

Texas Register

Volume 18, Number 13, February 16, 1993

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Office of the
Secretary of State
P.O. Box 13824
Austin, TX 78711-3824
(512) 463-5561
FAX (512) 463-5569

Secretary of State
John Hannah, Jr.
Director
Dan Procter

Assistant Director
Dee Wright

Circulation/Marketing
Jill S. Dahnert
Roberta Knight

TAC Editor
Dana Blanton

TAC Typographer
Madeline Chrisner

Documents Section
Supervisor
Patty Webster

Document Editors
Janiene Allen
Lisa Martin

Open Meetings Clerk
Jamie Alworth

Production Section
Supervisor
Ann Franklin

Production Editors/
Typographers
Carla Carter
Janice Rhea
Mimi Sanchez

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How to Use the Texas Register

Information Available: The 10 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Sections - sections adopted by state agencies on an emergency basis.

Proposed Sections - sections proposed for adoption.

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Sections - sections adopted following a 30-day public comment period.

Open Meetings - notices of open meetings.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 18 (1993) is cited as follows: 18 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the official compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*. West Publishing Company, the official publisher of the *TAC*, releases cumulative supplements to each printed volume of the *TAC* twice each year.

The *TAC* volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals).

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The *Official TAC* also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the *TAC* or to inquire about WESTLAW access to the *TAC* call West: 1-800-328-9352.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 22, April 16, July 13, and October 12, 1993). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

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The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

Update by FAX: An up-to-date *Table of TAC Titles Affected* is available by FAX upon request. Please specify the state agency and the *TAC* number(s) you wish to update. This service is free to *Texas Register* subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561.

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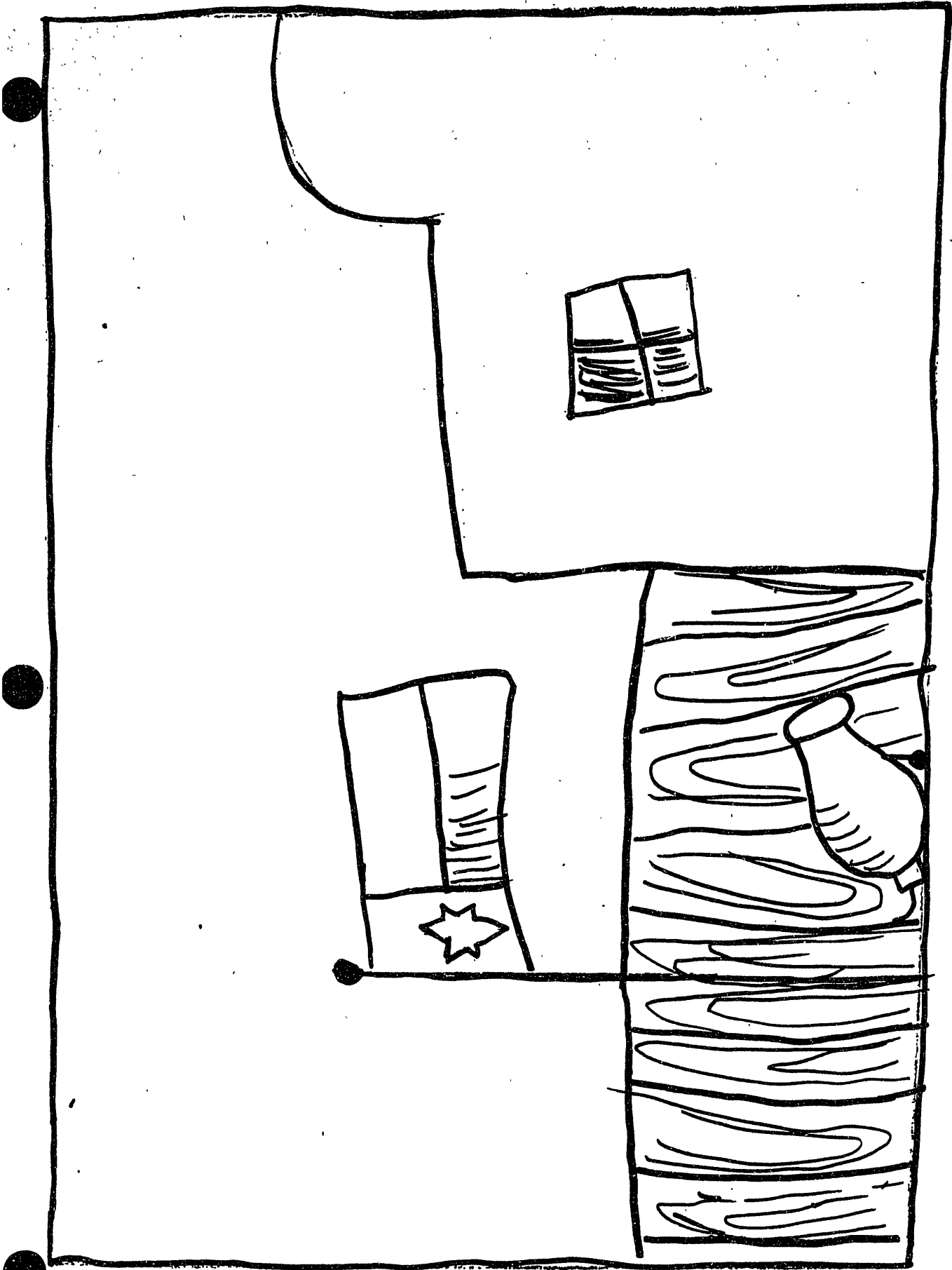
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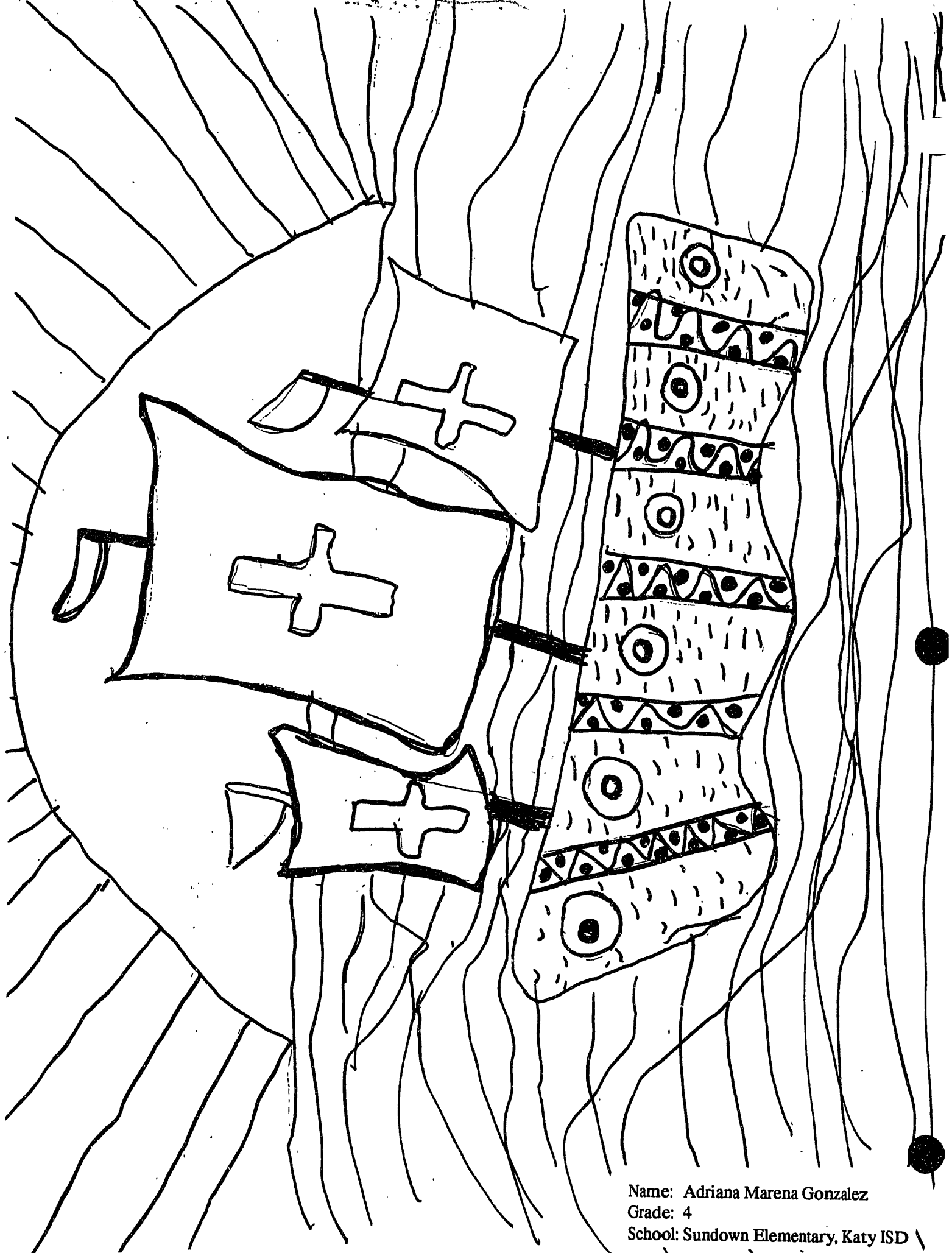
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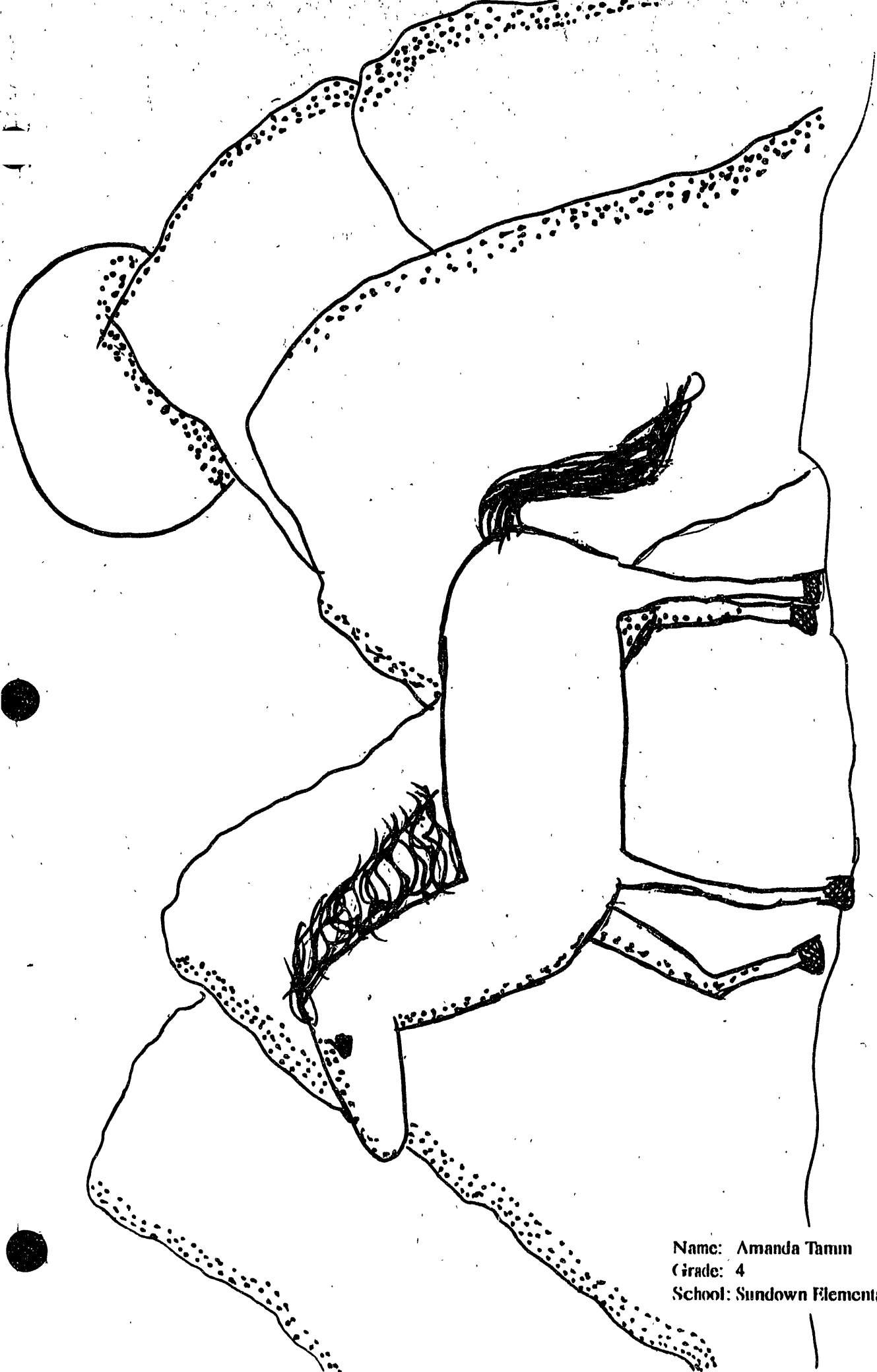
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Grade: 4

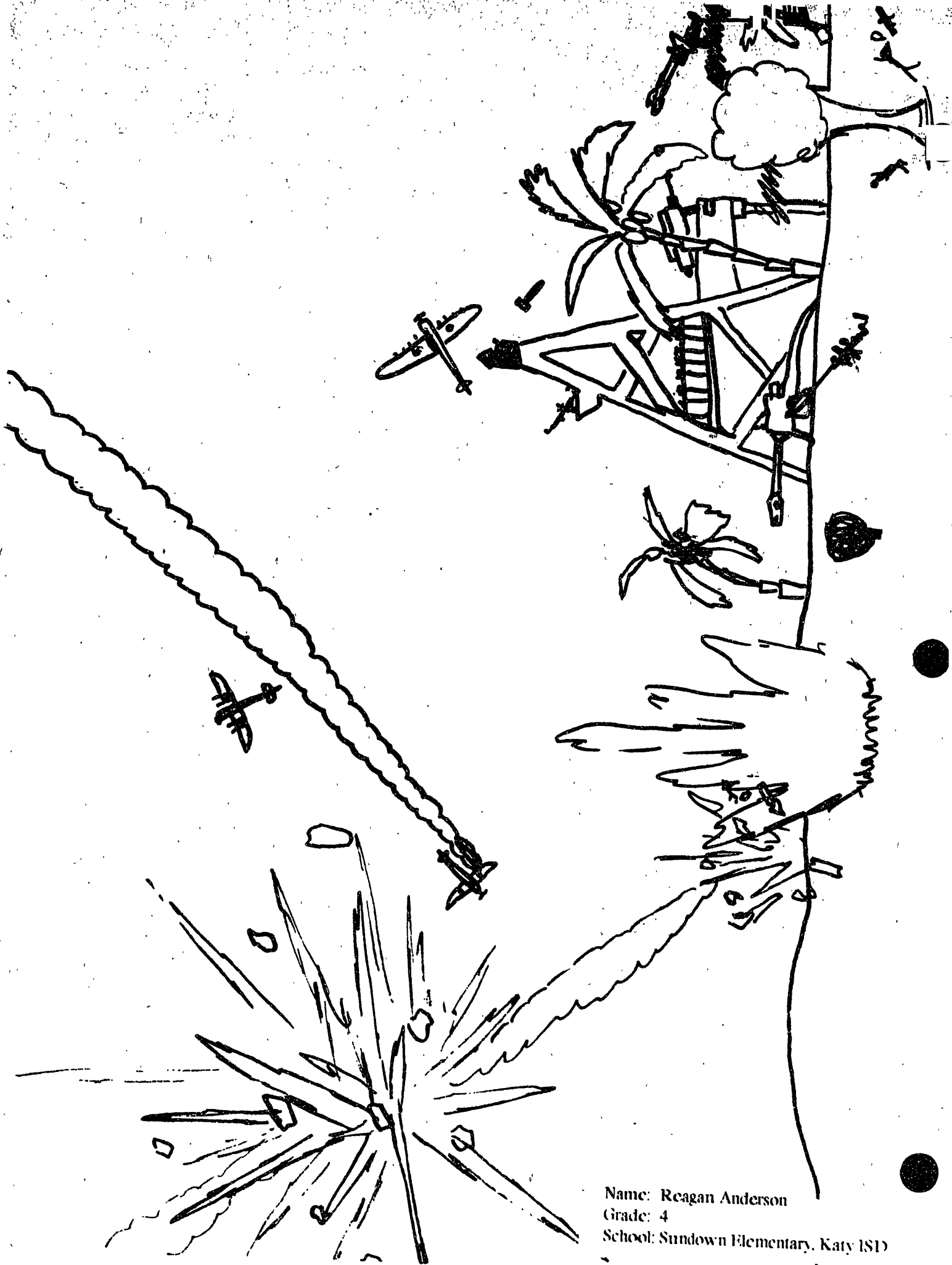
School: Sundown Elementary, Katy ISD



Name: Adriana Marena Gonzalez
Grade: 4
School: Sundown Elementary, Katy ISD \



Name: Amanda Tamm
Grade: 4
School: Sundown Elementary, Katy ISD



Name: Reagan Anderson
Grade: 4
School: Sundown Elementary, Katy ISD

Proposed Sections

Before an agency may permanently adopt a new or amended section, or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive sections, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 17. Marketing and Development Division

Livestock Export Facilities

• 4 TAC §§17.30-17.33

The Texas Department of Agriculture (the department) proposes an amendment to §17.33 and new §§17.30-17.32, concerning the operations of the department's livestock export facilities. The department, in a separate submission, is proposing the repeal of §17.31 and §17.32 and is replacing those sections with the new sections included in this submission. The amendment and the new sections are proposed to clarify the provisions relating to the operations, fees, and hours of the livestock export facilities. New §17.30 provides a statement of purpose and definitions to be used in these sections. New §17.31 provides that the department may use the livestock export facilities for departmental livestock marketing functions, provides for provision of feed for livestock should the consignor fail to do so, provides for payment of fees and for delayed billing of fees, provides that pen managers may detain livestock at the facilities at the request of the consignor, and provides that livestock may be unloaded prior to the arrival of health papers, under certain circumstances. The fees set out in this section have not changed from those currently in effect. New §17.32 clarifies the hours of operation of the facilities and provides methods for the making of special arrangements for operations outside normal working hours. The amendment to §17.33 clarifies regulations regarding access to the livestock export facilities.

Matt Brockman, deputy assistant commissioner for marketing and agribusiness development, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

There will be no local employment impact as a result of enforcing or administering the sections.

Mr. Brockman also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be more efficient operation of the livestock export facilities

and continued cost recovery. There will be no effect on small businesses. There is no anticipated cost to persons or firms who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Matt Brockman, Deputy Assistant Commissioner for Marketing and Agribusiness Development, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendment and new sections are proposed under the Texas Agriculture Code, §146.21, which provide the Texas Department of Agriculture with the authority to receive and hold for processing animals transported in international trade, and establish and collect fees for such holding and other expenses; and the General Appropriations Act, House Bill Number 1, 72nd Legislative Session, which encourages the department to set fees for yardage at the department's livestock export facilities at a level that will produce sufficient revenues to equal costs of operation of the facilities.

§17.30. Purpose and Definitions.

(a) Purpose. The purpose of these rules is to ensure that the animals at the Texas Department of Agriculture livestock export facilities are secured in quarters that meet the requirements and guidelines established by the United States Department of Agriculture and the receiving country.

(b) Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Department-Texas Department of Agriculture.

(2) Livestock export facilities-The Texas Department of Agriculture livestock export facilities located in Brownsville, El Paso, Houston, Del Rio, Eagle Pass, and Laredo.

(3) Consignor-Owner, broker, or other person consigning livestock to the livestock export facilities or otherwise engaging the services of the facilities.

§17.31. Operation of Livestock Export Facilities.

(a) Any service or use of the livestock export facilities not clearly or specifically described in this section shall be subject to agreement between each facility manager and each consignor prior to implementation, and shall be subject to the policies of the department and the State of Texas.

(b) Selling, buying, bargaining, trading, or change of ownership of livestock is strictly forbidden on the premises of the livestock export facilities. However, the department may utilize the facilities for official departmental livestock marketing functions.

(c) Livestock export facilities will not supply feed. The consignor may provide his own feed or may make arrangements with a local feed supplier. The consignor shall be solely responsible for payment for feed. Labor for the feeding of livestock at the facilities will be furnished by the department at no additional charge. If the consignor fails to provide feed for his livestock, the livestock export facility may obtain feed on behalf of the consignor and the consignor shall reimburse the facility for all expenses incurred in obtaining the feed.

(d) The following schedule of fees applies to all livestock export facilities with the exception of the Houston facility. Scheduled fees include necessary water, pen space, and necessary labor for feeding of livestock and assisting in conducting any inspections requested. Stall space, bedding, hay, feed, spray, and any overtime fees or wages, are not included in the fee schedule. Stalls are available on a first-come, first-served basis. The cost of stalls is \$10 per head for the first 24 hours and \$10 per head for each additional 24 hours.

For horses, mules, cattle, and calves, except feeder/slaughter cattle

first 24 hours or fraction thereof: \$2.50; each 24 hours thereafter: \$4.00

For breeding sheep and goats

first 24 hours or fraction thereof: \$1.00; each 24 hours thereafter: \$1.75

For breeding hogs

first 24 hours or fraction thereof: \$1.50; each 24 hours thereafter: \$2.25

For feeder/slaughter sheep and goats
first 24 hours or fraction thereof:
\$25; each 24 hours thereafter: \$25

For feeder/slaughter hogs
first 24 hours or fraction thereof:
\$1.00; each 24 hours thereafter: \$1.00

For feeder/slaughter cattle
first 24 hours or fraction thereof:
\$1.50; each 24 hours thereafter: \$1.50

(e) The following schedule of fees applies to the Houston livestock export facility only. Scheduled fees include necessary water, pen space, and necessary labor for feeding of livestock and assisting in conducting any inspections requested. Stall space, bedding, hay, feed, spray, and any overtime fees or wages, are not included in the fee schedule. Stalls are available on a first-come first-served basis. The cost of stalls is \$20 per head for the first 24 hours and \$20 per head for each additional 24 hours.

For cattle, horses, and mules
first 24 hours or fraction thereof:
\$5.00; each 24 hours thereafter: \$5.00

For sheep, goats, and hogs
first 24 hours or fraction thereof:
\$2.50; each 24 hours thereafter: \$2.50

(f) No charges will be assessed for suckling calves, foals, pigs, lambs, or kids when accompanied by their dams.

(g) At the request of the consignor, the livestock export facility may detain the consignor's livestock at the facility until such time as the consignor authorizes their release.

(h) Animals must be accompanied by proper United States Department of Agriculture health papers. At their discretion, facility managers may allow livestock to be unloaded prior to the arrival of the USDA health papers if the livestock would suffer undue hardship as a result of the delay.

(i) The consignor of the livestock shall be responsible for the outcome of inspections and any injuries or damages incidental to such inspections or use of the services, quarters, or grounds of the livestock export facilities.

(j) Pursuant to the Texas Agriculture Code, §146.024 (Vernon's 1982), livestock or other animals left in the livestock export facilities for longer than 30 calendar days may be sold at public auction to satisfy any unpaid fees or other indebtedness to the department and private suppliers.

(k) Except as provided in this subsection, fees are due and payable at the time the services are rendered. When deemed necessary to operate more efficiently and to reduce administrative costs, the department

may establish accounts with users of the facilities whereby such users may be billed on a delayed basis. Delayed billing shall be denied to any user who has previously defaulted in payment of fees to the department. Payment by cash, certified check, or money order may be required of any user whose previous payment by check has been returned due to insufficient funds. Users who are in default of payment to the facilities may be denied use of the facilities until such time as all outstanding fees have been paid in full.

§17.32. Hours of Operation of Livestock Export Facilities.

(a) Business hours. Business hours for the livestock export facilities shall be from 8 a.m. until 5 p.m. Monday-Friday, except for official state and federal holidays. When necessary, livestock export facility managers may, at their discretion, alter these normal hours of operation. If deemed necessary by the department, livestock export facilities located along the Texas-Mexico border may remain open on certain state or national holidays. Consequently, the facilities may close on official Mexican holidays.

(b) Special arrangements. Arrangements for receiving, shipping, handling, or feeding of livestock during times other than normal working hours must be made with the respective livestock export facility manager or office manager prior to 4 p.m. on normal work days, Monday-Friday, exclusive of holidays. Requests for operation of facilities during nonbusiness hours shall be made at least 24 hours in advance.

(c) Operations during nonbusiness hours. Consignors who use the livestock export facilities at times other than the business hours provided in subsection (a) of this section shall be assessed a surcharge consisting of \$50 per shipment plus \$10 per departmental employee per hour or portion of an hour that is worked during the non-business hours. The surcharge established by this subsection is not applicable to the Houston livestock export facility.

§17.33. Access to Livestock Export Facilities.

(a) General public. Users of [Livestock importers and exporters using] the livestock export facilities are permitted to operate their motor vehicles and livestock trailers in the facility parking and loading/unloading areas. These persons may also use the facility [office] waiting areas and rest rooms. Due to safety and security concerns, non-employees are [The general public, including livestock importers and exporters, is strictly] forbidden from entering all other areas of the livestock export facilities, including livestock holding pens,

lanes, and chutes, as well as all inside office and storage areas [, except for the waiting room and rest rooms]. Anyone seeking access to the inside offices, livestock holding pens, lanes, and chutes must obtain the approval of, or be accompanied by a facility employee.

(b) Government employees. Employees of the department [Government employees, including those of the Texas Department of Agriculture], the United States Department of Agriculture, and the Mexican Secretariat for Agriculture and Water Resources, may have full access to the facilities as is required to carry out their responsibilities for the inspection and handling of livestock.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 9, 1993.

TRD-9318855

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 463-7583

• 4 TAC §17.31, §17.32

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Agriculture or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department of Agriculture (the department) proposes the repeal of §17.31 and §17.32, concerning the operations of the department's livestock export facilities. The department, in a separate submission, is proposing new §17.31 and §17.32 to replace the sections repealed in this submission. The repeals are proposed so that the department may submit new sections to clarify the provisions relating to the operations, fees, and hours of the department's livestock export facilities. The fees set out in new §17.31 have not changed from those currently in effect.

Matt Brockman, deputy assistant commissioner for marketing and agribusiness development, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

There will be no local employment impact as a result of enforcing or administering the repeals.

Mr. Brockman also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be more efficient operation of the livestock export fac-

ities and continued cost recovery. There will be no effect on small businesses. There is no anticipated economic cost to persons or firms who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Matt Brockman, Deputy Assistant Commissioner for Marketing and Agribusiness Development, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The repeals are proposed under the Texas Agriculture Code, §146.21, which provides the Texas Department of Agriculture with the authority to receive and hold for processing animals transported in international trade, and establish and collect fees for such holding and other expenses; and the General Appropriations Act, House Bill Number 1, 72nd Legislative Session, which encourages the department to set fees for yardage at the department's livestock export facilities at a level that will produce sufficient revenues to equal costs of operation of the facilities.

§17.31. Operation of Livestock Facilities.

§17.32. Hours of Operation of Livestock Facilities.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 9, 1993.

TRD-9318856
Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 463-7583

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 5. Program Development

Subchapter K. Private Degree-Granting Institutions Operating in Texas

• 19 TAC §5.211

The Texas Higher Education Coordinating Board proposes an amendment to §5.211, concerning Private Degree-Granting Institutions Operating in Texas (Definitions). The change is necessary to clarify and strengthen the requirements of the board for certification to award degrees by private institutions of higher education.

Bill Sanford, Assistant Commissioner for Universities and Health Affairs has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Sanford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be more efficient implementation of the rules which protect them from fraudulent and substandard institutions of higher education. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §61.311, which provide the Texas Higher Education Coordinating Board with the authority to adopt rules regarding Private Degree-Granting Institutions Operating in Texas (Definitions).

§5.211. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Recognized accrediting agency—The Commission on Colleges, Southern Association of Colleges and Schools; the American Association of Bible Colleges; or the Association of Theological Schools in the United States and Canada.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318824
James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 483-6160

• 19 TAC §5.213

The Texas Higher Education Coordinating Board proposes an amendment to §5.213 concerning Administrative Procedures Related to Certification of Nonexempt Institutions. The proposed amendment would specify the criteria used by the Board to recognize accrediting agencies for purposes of exemption from the certification law. The overall intent of the law is to protect citizens of the state from substandard education while unaccredited institutions are working toward full accreditation by an agency judged by the Board to be appropriate. Accreditation is judged to protect the citizens of the state so

that further oversight by the Coordinating Board is not needed. There has been recent interest by several accrediting bodies in being recognized by the state for this purpose.

Bill Sanford, Assistant Commissioner for Universities and Health Affairs, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Sanford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to make clear what standards must be met to be awarded this public trust. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §61.311, which provide the Texas Higher Education Coordinating Board with the authority to adopt rules regarding Administrative Procedures Related to Certification of Nonexempt Institutions.

§5.213. Administrative Procedures Related to Certification of Nonexempt Institutions.

(a)-(h) (No change.)

(i) Recognition of accrediting agencies. In seeking to assure standards that are sufficient to protect citizens from fraudulent and substandard operations and [;] to treat all institutions of higher education with equity, both exempt and nonexempt, [; and to avoid entanglements with agencies with sectarian purposes,] the board has recognized the Commission on Colleges, Southern Association of Colleges and Schools (SACS) as the accrediting agency for certification. However, the board will consider the recognition of other accrediting agencies provided they can demonstrate they meet all of the criteria listed below.

(1) The accrediting agency must be a member of the Council on Postsecondary Accreditation and must be recognized by the United States Department of Education.

(2) The accrediting agency's standards must be at least as comprehensive and rigorous as the standards listed in §5.214 of this title (relating to Standards for Nonexempt Institutions) and be as rigorously applied [equal to SACS and must be applied as rigorously.

(3) The accrediting agency must not require member institutions to subscribe to sectarian statements of belief.

(4) The accrediting agency must show why SACS is not an acceptable

accreditor for the particular institution it intends to accredit.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318825

James McWhorter
Assistant Commissioner
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 483-6160

Chapter 21. Student Services

Subchapter C. Hinson-

Hazlewood College Student Loan Program for all Loans which are Subject to the Provisions of the Guaranteed Student Loan Program, the College Access Loan Program, the Health Education Assistance Loan Program, and the Health Education Loan Program

• 19 TAC §21.57

The Texas Higher Education Coordinating Board proposes an amendment to §21.57, concerning Hinson-Hazlewood College Student Loan Program (Loan Limits). The amendments to the rule will increase the annual and aggregate limit for College Access Loan (CAL) loans. The CAL is primarily made to students from middle income families that have difficulty meeting the contribution to the student's budget as determined by an analysis of the family's financial condition.

Mack Adams, Assistant Commissioner for Student Services, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Adams also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be increasing the annual and aggregate limit for CAL loans will help many students stay in school who, without such assistance, might have to drop out. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §52.54, which provide the Texas Higher Education Coordinating Board with the authority to adopt rules regarding the

Hinson-Hazlewood College Student Loan Program (Loan Limits).

§21.57. Loan Limits.

(a) (No change.)

(b) Annual loan limit. The maximum loan amounts allowed for any qualified applicant during an academic year is stated in paragraphs (1)-(5) of this subsection for each type of Hinson-Hazlewood loan. When the student progresses satisfactorily to the next classification level, that student may be eligible for another GSL, SLS, or CAL.

(1)-(2) (No change.)

(3) CAL. [The amount of a CAL plus other student financial aid may not exceed the cost of education.] The annual loan limit is 75% of the total of the expected family contribution plus unmet need, not to exceed \$7,500 per academic year. [the lesser of the following]:

[(A) 75% of the total of the expected family contribution less other aid to replace family contribution;

[(B) The sum of tuition and fees, books and supplies, and 25% of other educational cost; or

[(C) Annual loan amounts must be disbursed in a minimum of two disbursements. The amount of a CAL plus other student financial aid may not exceed the cost of education. [\$5,000 per academic year.]

(4)-(5) (No change.)

(c) Aggregate loan limits. The aggregate amount allowed for any qualified applicant for Hinson-Hazlewood college student loans is outlined in the following paragraphs.

(1)-(2) (No change.)

(3) CAL-The aggregate loan limit is \$30,000 [\$25, 000].

(4)-(5) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318823

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 483-6160

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part III. Texas Air Control Board

Chapter 111. Control of Air Pollution From Visible Emissions and Particulate Matter

Visible Emissions

• 31 TAC §111.111

The Texas Air Control Board (TACB) proposes an amendment to §111.111, concerning Gas Flares, to specify the duration of daily visible emission compliance testing. This action is in response to a petition from the Texas-Chemical Council (TCC) requesting that TACB delete the requirement for daily tests. In order to maintain enforceability of the provision, however, TACB believes that a timeframe must be retained and is proposing daily surveillance. Comment is solicited on the appropriateness of the proposed daily observations or of alternative frequencies.

Section 111.111(a)(4)(A) prohibits visible emissions from gas flares for more than five minutes in any two-hour period. Section 111.111(a)(4)(B) specifies that compliance with subparagraph (A) shall be determined by the United States Environmental Protection Agency (EPA) Test Methods 22 or 9. TACB believes that a strict interpretation of this regulation and the test methods would require a minimum two-hour observation of each flare at a given facility per day. TACB believes that this is an unreasonable requirement. Thus, in addition to the issue of daily observations, language has been proposed to specify that observations may be limited to six minutes for each flare.

Lane Hartssock, Deputy Director of Air Quality Planning, has determined that for the first five-year period the section is in effect the anticipated implications for state and local units of government as a result of enforcing or administering the section would be minor expenses of record review and enforcement.

Facilities required to implement the proposed measure would incur costs based on the number of flares operated. For large facilities with 30 to 40 flares, TACB estimates that a maximum of 1/2 man-year would be needed to meet the rule requirements. This represents approximately \$20,000 to 25,000 yearly for the facility. The cost of compliance would drop proportionately with a decrease in the number of flares.

Mr. Hartssock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be enhanced monitoring of affected sources resulting in more consistent compliance with emission standards and improved enforceability of the rule. TACB estimates annual training costs per person using EPA Method to be \$1,000-1,500. For personnel trained

only in Method 22 training costs would be minimal.

A public hearing on this proposal will be held at 10 a.m. on March 17, 1993, in Room 201S of the Texas Air Control Board, Air Quality Planning Annex located at 12118 North IH-35, Austin, Texas 78753. The hearing is structured for the receipt of oral and written comments by interested persons. Interrogation or cross-examination is not permitted, however, the TACB staff will discuss the proposal at 10 a.m. and will be available to answer questions.

Written comments not presented at the hearing may be submitted to the TACB central office in Austin through March 31, 1993. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposal. Copies of the proposal are available at the Regulation Development Division of the TACB Air Quality Planning Annex located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB Regional offices. For further information, contact Beecher Cameron at (512) 908-1495.

Persons with disabilities who have special communications or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

The amendment is proposed under the Texas Clean Air Act (TCAA), Texas Health and Safety Code (Vernon 1990), §382.17, which provide TACB with the authority to adopt rules consistent with the policies and purposes of the TCAA.

§111.111. Requirements for Specified Sources.

(a) Visible Emissions. No person may cause, suffer, allow, or permit visible emissions from any source, except as follows:

- (1)-(3) (No change.)
- (4) Gas Flares.

(A) (No change.)

(B) Compliance with subparagraph (A) of this paragraph shall be determined daily by applying the following test methods, as appropriate. Unless otherwise stated, the test methods shall be applied for a minimum of six minutes:

(i)-(ii) (No change.)

(iii) equivalent test method approved by the Executive Director and EPA.

(5)-(8) (No change.)

(a)-(c) (No change.)

§111.113. (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on January 15, 1993.

TRD-9318857

Lane Hartssock
Deputy Director, Air Quality
Planning
Texas Air Control Board

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 908-1451

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

Subchapter D. Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits

• 31 TAC §305.69, §305.70

The Texas Water Commission (TWC) proposes an amendment to §305.69 and new §305.70, concerning solid waste permit modifications at the request of the permittee. TWC is proposing the replacement of emergency §305.69 and §305.70, which were published on an emergency basis in the September 4, 1992, issue of the *Texas Register* (17 TexReg 6045). The amendment to §305.69 and new §305.70 are proposed in order to allow certain changes to municipal solid waste permits to be handled administratively, without going through the formal hearing process.

The proposed amendment to §305.69 simply clarifies the fact that the provisions of that section apply to industrial and hazardous waste permit modifications only, and that municipal solid waste permit modifications are covered by new §305.70. Proposed new §305.70 allows for the administrative approval of specifically delineated municipal solid waste permit modifications. The permit modifications delineated are minor in nature, and maintain or improve environmental protection standards. In addition, many facilities would like to begin complying with recently promulgated federal regulations that call for stricter operation and management standards for all municipal solid waste facilities. Under current TWC regulations, changes implemented in compliance with these stricter federal regulations require a permit amendment. Proposed new §305.70 allows many of these changes to be implemented more expeditiously.

Stephen Minick, Division of Budget and Planning, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcement or will be a savings in costs related to processing certain permit amendments or modifications. Costs to applicants for modifi-

cation of municipal solid waste permits will be reduced in those circumstances under these rules where formal hearing processes may be avoided. These applicants would include local governments and small businesses. The costs to be avoided are prospective and will vary on a case-by-case basis with each application affected. Actual cost savings cannot be estimated at this time. There are no increases in cost to affected party anticipated.

Mr. Minick also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcement of and compliance with the sections will improvements in the process of modification of permits for municipal solid waste facilities and more timely incorporation of stricter operation and management standards for such facilities. There are no known costs to persons required to comply with these sections as proposed.

Comments on the proposal may be submitted to Renea Ryland, Staff Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087. Comments will be accepted for a period of 30 days following the date of this publication.

A public hearing for comments has also been scheduled for Thursday, March 11, 1993, Stephen F. Austin State Building, 1700 North Congress, Room 118, Austin, Texas 78711 from 1:30 p.m. to 5:00 p.m.

The amendment and new section are proposed under the Texas Health and Safety Code, Chapter 361, which gives the commission all powers necessary and convenient under that chapter to carry out its responsibilities concerning the regulation and management of municipal solid waste.

§305.69. Solid Waste Permit Modification at the Request of the Permittee.

(a) This section applies only to modifications to industrial and hazardous solid waste permits. Modifications to municipal solid waste permits are covered in §305.70 (relating to Municipal Solid Waste Class I Modifications).

(b)[(a)] Class 1 modifications of solid waste permits.

(1)-(3) (No change.)

(c)[(b)] Class 2 modifications of solid waste permits.

(1)-(15) (No change.)

(d)[(c)] Class 3 modifications of solid waste permits.

(1)-(6) (No change.)

(e)[(d)] Other modifications.

(1)-(2) (No change.)

(f)[(e)] Temporary authorizations.

(1)-(6) (No change.)

(g)[(f)] Public notice and Appeals of Permit Modification Decisions.

(1)-(2) (No change.)

(h)(g) Newly regulated wastes and units.

(1)-(2) (No change.)

(i) [(h)] Appendix I. The following appendix will be used for the purposes of Subchapter D which relate to solid waste permit modification at the request of the permittee.

Modifications

Class A. General Permit Provisions

- 1. Administrative and informational changes..... 1
2. Correction of typographical errors..... 1
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls)..... 1
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
a. To provide for more frequent monitoring, reporting, sampling, or maintenance..... 1
b. Other changes..... 2
5. Schedule of compliance
a. Changes in interim compliance dates, with prior approval of the executive director..... 1
b. Extension of final compliance date..... 3
6. Changes in expiration date or permit to allow earlier permit expiration, with prior approval of the executive director..... 1
7. Changes in ownership or operational control of a facility, provided the procedures of §305.65(g) are followed..... 1

Class B. General Standards

- 1. Changes to waste sampling or analysis methods:
a. To conform with agency guidance or regulations..... 1
b. Other changes..... 2
2. Changes to analytical quality assurance/control plan:
a. To conform with agency guidance or regulations..... 1
b. Other changes..... 2
3. Changes in procedures for

- maintaining the operating record..... 1
4. Changes in frequency or content of inspection schedules..... 2
5. Changes in the training plan:
a. That affect the type or decrease the amount of training given to employees..... 2
b. Other changes..... 1
6. Contingency plan:
a. Changes in emergency procedures (i.e., spill or release response procedures)..... 2
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed..... 1
c. Removal of equipment from emergency equipment list..... 2
d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan..... 1

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification. (No change)

Class C. Ground-water Protection

- 1. Changes to wells:
a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system..... 2
b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well..... 1
2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the executive director..... 1
3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the executive director..... 1
4. Changes in point of compliance..... 2
5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):

- a. As specified in the ground-water protection standard..... 3
b. As specified in the detection monitoring program..... 2
6. Changes to a detection monitoring program as required by §335.164(10) of this title (relating to Detection Monitoring Program), unless otherwise specified in this appendix..... 2
7. Compliance monitoring program:
a. Addition of compliance monitoring program pursuant to §335.164(7)(D) of this title (relating to Detection Monitoring Program), and §335.165 of this title (relating to Compliance Monitoring Program)..... 3
b. Changes to a compliance monitoring program as required by §335.165(11) of this title (relating to Compliance Monitoring Program), unless otherwise specified in this appendix.... 2
8. Corrective action program:
a. Addition of a corrective action program pursuant to §335.165(9)(B) of this title (relating to Compliance Monitoring Program) and §335.166 of this title (relating to Corrective Action Program)..... 3
b. Changes to a corrective action program as required by §335.166(8), unless otherwise specified in this appendix..... 2

Class D. Closure

- 1. Changes to the closure plan:
a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the executive director..... 1
b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the executive director..... 1
c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the executive director..... 1
d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the executive director..... 1
e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure,

unless otherwise specified in this appendix..... 2

f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 40 Code of Federal Regulations 264.113(d) and (e)..... 2

2. Creation of a new landfill unit as part of closure..... 3

3. Addition of the following new units to be used temporarily for closure activities:

a. Surface impoundments..... 3

b. Incinerators..... 3

c. Waste piles that do not comply with 40 Code of Federal Regulations 264.250(c)..... 3

d. Waste piles that comply with 40 Code of Federal Regulations 264.250(c)..... 2

e. Tanks or containers (other than specified below)..... 2

f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the executive director..... 1

Class E. Post-Closure

1. Changes in name, address, or phone number of contact in post-closure plan..... 1

2. Extension of post-closure care period..... 2

3. Reduction in the post-closure care period..... 3

4. Changes to the expected year of final closure, where other permit conditions are not changed..... 1

5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.... 2

Class F. Containers

1. Modification or addition of container units:

a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below.... 3

b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and

F(4)(a) below..... 2

c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 Code of Federal Regulations 268.8(a)(2) (ii), with prior approval of the executive director. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

2. a. Modification of a container unit without increasing the capacity of the unit..... 2

b. Addition of a roof to a container unit without alteration of the containment system..... 1

3. Storage of different wastes in containers, except as provided in F(4) below:

a. That require additional or different management practices from those authorized in the permit..... 3

b. That do not require additional or different management practices from those authorized in the permit..... 2

Note: See §305.69(g) of this title (relating to Newly Listed Solid Waste Permit Modification at the Request of the Permittee or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 Code of Federal Regulations 268.8(a)(2) (ii), with prior approval of the executive director. This modification is not applicable to dioxin containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing

wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

5. Other changes in container management practices (e.g., aisle space, types of containers, segregation)..... 2

Class G. Tanks

1. a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G(1) (c), G(1)(d), and G(1)(e) below of this appendix..... 3

b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G(1)(d) and G(1)(e) below of this appendix..... 2

c. Addition of a new tank (no capacity limitation) that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation..... 2

d. After prior approval of the executive director, addition of a new tank (no capacity limitation) that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation..... 1

e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 Code of Federal Regulations 268.8(a)(2)(ii), with prior approval of the executive director. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit..... 2

3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/-10% of the replaced tank provided:..... 1

a. The capacity difference is no more than 1500 gallons;

b. The facility's permitted tank capacity is not increased; and

c. The replacement tank meets the same conditions in the permit.

4. Modification of a tank management practice..... 2

5. Management of different wastes in tanks:

a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G(5)(c) below..... 3

b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G(5)(d) below..... 2

c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 Code of Federal Regulations 268.8(a)(1)(ii), with prior approval of the executive director. The modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

Note: See §305.69(g) of this title (relating to Newly Listed Solid Waste Permit Modification at the Request of the Permittee or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

Class H. Surface Impoundments

1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity. .. 3

2. Replacement of a surface impoundment unit..... 3

3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.... 2

4. Modification of a surface impoundment management practice..... 2

5. Treatment, storage, or disposal of different wastes in surface impoundments:

a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit..... 3

b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit..... 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 Code of Federal Regulations 268.8(a)(2)(ii), and provided that the unit meets the minimum technological requirements stated in 40 Code of Federal Regulations 268.5(h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in 40 Code of Federal Regulations 268.5(h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles except those complying with 40 Code of Federal Regulations 264.250(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 40 Code of Federal Regulations 264.250(c).

1. Modification or addition of waste pile units:

a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity..... 3

b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity..... 2

2. Modification of waste pile unit without increasing the capacity of the unit..... 2

3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit..... 1

4. Modification of a waste pile management practice... 2

5. Storage or treatment of different wastes in waste piles:

a. That require additional or different management practices or different design of the unit..... 3

b. That do not require additional or different management practices or different design of the unit..... 2

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

Class J. Landfills and Unenclosed Waste Piles

1. Modification or addition of landfill units that result in increasing the facility's disposal capacity..... 3

2. Replacement of a landfill..... 3

3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system..... 3

4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system..... 2

5. Modification of a landfill management practice..... 2

6. Landfill different wastes:

a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system..... 3

b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system..... 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 Code of Federal Regulations 268.8(a)(2)(ii), and provided that the landfill unit meets the minimum technological requirements stated in 40 Code of Federal Regulations

268.5(h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 Code of Federal Regulations 268.5(h) (2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

Class K. Land Treatment

1. Lateral expansion of or other modification of a land treatment unit to increase areal extent..... 3

2. Modification of run-on control system..... 2

3. Modify run-off control system..... 3

4. Other modifications of land treatment unit component specifications or standards required in the permit..... 2

5. Management of different wastes in land treatment units:

a. That require a change in permit operating conditions or unit design specifications..... 3

b. That do not require a change in permit operating conditions or unit design specifications..... 2

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment management practice to:

a. Increase rate or change method of waste application..... 3

b. Decrease rate of waste application..... 1

7. Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions..... 2

8. Modification of a land treatment unit management practice to grow

food chain crops, or add to or replace existing permitted crops with different food chain crops, or to modify operating plans for distribution of animal feeds resulting from such crops..... 3

9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 40 Code of Federal Regulations 264.278(g)(2)..... 3

10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, or number of sampling points, or that replace unsaturated zone monitoring devices or components thereof with devices or components that have specifications different from permit requirements..... 3

11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points, or that replace unsaturated zone monitoring devices or components thereof with devices or components having specifications not different from permit requirements..... 2

12. Changes in background values for hazardous constituents in soil and soil-pore liquid..... 2

13. Changes in sampling, analysis, or statistical procedure..... 2

14. Changes in land treatment demonstration program prior to or during the demonstration..... 2

15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the executive director's prior approval has been received..... 1

16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the executive director..... 1

17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the waste can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration..... 3

18. Changes in vegetative cover requirements for closure.....

..... 2

Class L. Incinerators, Boilers and Industrial Furnaces

1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit; a feedstream feed rate limit; a chlorine feed rate limit, a metal feed rate limit, or an ash feed rate limit. The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means..... 3

2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit; a feedstream feedrate limit; chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means..... 2

3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size of geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means..... 3

4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The executive director may require a new trial burn to demonstrate compliance with the regulatory performance standards..... 2

5. Operating requirements:

a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system. The executive director will require a new trial burn to substantiate compliance

with the regulatory performance standards unless this demonstration can be made through other means..... 3

b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls..... 3

c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit..... 2

6. Burning different wastes:

a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit. The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means..... 3

b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit..... 2

Note: See §305.69(g) of this title (relating to Newly Regulated Wastes and Units) for modification procedures to be used for the management of newly regulated wastes and units.

7. Shakedown and trial burn:

a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn..... 2

b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the executive director1

c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the executive director... 1

d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the executive director..... 1

8. Substitution of an alternate type of nonhazardous waste fuel that is not

specified in the permit..... 1

§305.70. Municipal Solid Waste Class I Modifications.

(a) A permittee may put into effect a Class I modification to a MSW permit provided that the permittee has received prior written authorization for such Class I modification from the executive director. In order to receive prior written authorization, the permittee must submit a modification request to the executive director specifying the changes to be made to permit conditions or to supporting documents referenced by the permit, and explaining in detail why such changes are necessary. The permittee must submit two copies of the modification request in accordance with §305.44 of this title (relating to Signatories to Applications). Failure to submit the modification request with complete information shall constitute grounds for returning the request to the permittee without further action.

(b) The permittee must send notice of the modification request by first-class mail to all persons listed in §305.103(b) of this title (relating to Notice by Mail) if the Class I permit modification identified in subsection (g) of this section is marked by a superscript 1. This notification must be made no later than 30 calendar days after the executive director acts upon the request. If the permittee fails to give notice as required, approval of the modification request is automatically revoked.

(c) No later than 60 calendar days after receipt of the modification request, the executive director must:

- (1) approve the modification request, with or without changes, and modify the permit accordingly;
- (2) deny the request;
- (3) request additional information concerning the request from the permittee; or
- (4) determine that the modification request does not qualify as a Class I permit modification, and that the requested change requires a permit amendment pursuant to §305.62 of this title (relating to Amendment).

(d) If a request for a Class I permit modification is denied by the executive director, the permittee must comply with the original permit conditions. Any change in a term, condition, or provision of a MSW permit that is not authorized by the executive director as a Class I permit modification requires a permit amendment pursuant to §305.62 of this title (relating to Amendment).

(e) If after 60 days of receipt of a modification request that is specifically identified in subsection (g) of this section,

the executive director fails to approve or deny the request or to notify the permittee that the requested modification requires a permit amendment pursuant to §305.62 of this title (relating to Amendment), the modification request shall be automatically approved. The executive director may extend this 60-day time period if necessary to review additional information submitted pursuant to subsection (c)(3) of this section. The length of the extension shall be equivalent to the amount of time necessary to review the additional information.

(f) With the written consent of the permittee, the executive director may extend indefinitely or for a specified period the time periods set out in subsections (c) and (e) of this section.

(g) The following is a list of possible Class I modifications to a MSW permit:

- (1) a change in the sequence of landfill development;
- (2) a change in the size and/or shape of a trench to obtain a 3:1 side slope, as long as there is no increase in capacity;
- (3) replacement of existing monitor wells that have been damaged or rendered inoperable, with no change to location, design, or depth of the wells;
- (4) changes in the location of marker systems (i.e., grid markers);
- (5) improvements to a fire protection plan;
- (6) changes to interior road location in order to prevent traffic through the disposal area;
- (7) changes in interior road design and construction materials;
- (8) increases in sampling frequency (e.g., for ground water, methane, etc.);
- (9) changes in excavation details, except for increases in depth that would change the SLQCP or increase the site life;
- (10) corrections to the metes and bounds description of the permit boundaries that do not increase the size of the facility;
- (11) upgrade of landfill liner design, installation, or quality control testing to reflect the requirements of revised regulations which provide for greater environmental protection;
- (12) installation of a leachate collection system;
- (13) installation of a methane gas monitoring system;
- (14) installation of a methane gas collection system;

(15) changes in closure or post-closure care requirements to reflect the requirements of revised regulations which provide for increased environmental protection;

(16) the use of alternate daily cover on a trial basis not to exceed six months with one six-month extension allowable;

(17) changes regarding the use of alternate windblown waste control methods;

(18) substitution of an equivalent financial assurance mechanism;

(19) temporary changes in operating hours to address natural disaster situations or to accommodate special community events;

(20) changes in the drainage control plan that improve internal stormwater runoff/runoff handling without impacting offsite drainage;

(21) changes in the entry gate location or site layout that relocate gatehouse, office or maintenance building locations, or add scales to the facility, so long as the changes do not alter access traffic patterns delineated in the site development plan and/or the permit;

(22) changes to a site layout plan that add or delete a properly registered MSW facility—a used or scrap tire collection area, a recycling collection area, a sludge/grease/grit trap processing or stabilization facility, a petroleum contaminated soil stabilization area, a registered transfer station, a citizens collection area, a pesticide container collection area, a composting operation, or other activity properly registered with the Commission;

(23) subject to the limitation under subsection (h) of this section, an increase in landfill height not to exceed 10 feet above the approved final elevations as long as one of the following conditions are met:

(A) the facility either ceases the receipt of solid waste within 365 days of executive director approval of the height increase and initiates closure of the facility or unit, or has closed the facility; or

(B) the facility has submitted a request for a major permit amendment pursuant to §305.62(c)(1) of this title (relating to Amendments) to increase the height of the landfill; or

(C) the height increase is requested solely for the purpose of improving drainage from the filled area, and:

(i) the waste disposal area

is not expanded into the limits of the buffer zone or within easements that exist; and

(ii) final contour elevations, including final cover, are no greater than 10 feet above the maximum final contour elevation of the contiguous landfilled area or phase of landfill development.

(24) a modification in the operation of a landfill that will change the incoming waste stream from a more restrictive waste stream to a less restrictive waste stream, i.e.,—a change from a Type I, II, or III landfill operation to a Type IV landfill operation, may be granted provided that the receipt of waste under the present operation has ceased and that the following conditions shall be satisfied.

(A) Permanent closure of the filled portion of the landfill shall be initiated in accordance with the regulations for closure of municipal solid waste landfills. Completion may occur after the approval of the request to change the site operation.

(B) The permittee shall provide a public notice of the proposed action to the general public by publishing the notice, within 15 days after the request, in a newspaper with general circulation in the area in which the landfill is located, and submitting a certified copy of the notice, within 15 days after publication, to the Executive Director as a record of this action.

(C) The permittee shall conduct a public meeting in the local area, within 30 days after the request, to describe the proposed action to the general public and provide evidence, within 15 after the meeting, to the Executive Director that the meeting was held.

(D) The permittee shall submit, for approval and with the request for a change, documents that show the appropriate modifications to the Site Development Plan and Site Operating Plan to reflect the proposed change in operation.

(h) Authorization to increase the height of a landfill, in accordance with subsection (g)(23) of this section, may only be granted one-time as a Class I modification. Subsequent requests for an increase in height require a permit amendment.

(i) In case of a request for a Class I modification for a change in a term, condition or provision of a MSW permit not explicitly listed in subsection (g) of this section, the executive director shall make the determination as to whether the modification request may be processed as a Class I modification or whether the change requires a permit amendment pursuant to §305.62 of this title (relating to Amend-

ment). In making this determination, the executive director shall consider the similarity of the requested change to those Class I modifications listed in subsection (g) of this section, as well as the following criteria.

(1) Class I modifications apply to minor changes to the facility or its operation that are routine in nature.

(2) Class I modifications do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment.

(j) A temporary authorization may be granted by the executive director for a term of not more than 180 days for activities or events that will prevent disruption of solid waste management activities. The permittee must request a temporary authorization and must include in the request a specific description of the activities to be conducted and an explanation of why the temporary authorization is necessary, reasonable, and unavoidable. A temporary authorization may be reissued for an additional term of 180 days if the circumstances warrant additional time or if the permittee has applied for an amendment or modification to the permit.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318768

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 463-8069

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part IX. Texas Department on Aging

Chapter 262. General Service Standards

Statutes and Regulations

• 40 TAC §262.1

The Texas Department on Aging proposes a new chapter concerning general service standards for services under the Older Americans Act, Title III, as amended. This chapter establishes definitions and policies regard common aspects of the service standards developed by the Department to guide delivery of services. Its function will be to consolidate, in a single chapter, those aspects of service delivery that are common to all chapters. Consequently, this chapter will be sub-

ject to revision and expansion as review of other service standards indicate the need to transfer applicable information to this chapter.

Ann Ammons, Director of Field Operations, Texas Department on Aging, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Ammons also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be greater understanding of the processes required of area agencies on aging to assure proper components of this service are included in contract stipulations and that monitoring of contracted programs is based on clear requirements established by the Department. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Request for public comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12788, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§262.1. General Service Standards

(a) Purpose. The general service standards contained in this section are to be used by service providers in conjunction with the standards adopted for each service. They have been developed and included in this section to eliminate duplication in each of the service standards.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act—Older Americans Act, as amended.

(2) Board—Texas Board on Aging.

(3) Department—Texas Department on Aging.

(c) Scope. These standards apply to all services provided under contract or grant funded in whole or in part with funds provided by the Department under the Older Americans Act, or State general revenue, or other funding source granted or contracted to the Department for use in providing services.

(d) Client Eligibility for Title III Services.

(1) Eligibility for services provided by the Texas Department on Aging and the area agency on aging grantees under the Older Americans Act, Title III, as

amended, and other funds pooled with Title III funds to meet the costs for services under this Act is limited to the following:

(A) any person age 60 or over, for all services authorized under the Act; or

(B) families and caretakers who are responsible for the care or support of a person age 60 or over with Alzheimer's disease or related neurological disorder, for supportive services authorized under the Act.

(2) Other clients eligible for specific Title III services are included in specific service standards for congregate meals, home delivered meals, and services to the homebound.

(e) Confidentiality of client records. Area agencies on aging will ensure that service providers protect client information records, according to the following minimum requirements.

(1) No information about a client, or obtained from a client by the service provider or the area agency on aging is disclosed by the service provider or area agency in a form that identifies the person without the informed consent of the person or of his or her legal representative, unless the disclosure is required by court order, or for program monitoring by authorized Federal, State, or local monitoring agency, including the area agency on aging.

(2) Only authorized personnel of the area agency or service provider will have access to confidential client information records.

(3) Confidential client records must be maintained in a secure, locked facility when not in use by authorized personnel; access to client information maintained in computer equipment must be limited through accepted computer security practices, including, but not limited to, password protection.

(4) Service providers and area agencies are not required to disclose those types of information or documents that are exempt from disclosure under the Federal Freedom of Information Act, as amended.

(5) The area agency may not require a provider of legal assistance under this part to reveal any information that is protected by attorney client privilege.

(f) Client complaint procedures. The area agency on aging will ensure that written client complaint procedures are established for use by each service provider. These procedures will provide all clients with the opportunity and means for communicating aspects of the service which have negative impact on them. Each client must

be informed of his right to make such complaints and of the procedures for filing such complaints prior to initiation of the service. The service providers may also post the procedures, as appropriate.

(g) Client appeals procedures. The area agency on aging will ensure that written appeals procedures are established for use by each service provider. These procedures will provide all clients or their advocates with the opportunity to appeal staff decisions concerning the provision of services to the client, including, but not limited to, the initiation or termination of services, and increases or decreases in service. The intent of these procedures must be to assure client satisfaction with the services provided and it is the responsibility of the service provider to give specific consideration to the client's concerns.

(h) Contracting for services. The area agency on aging will provide services under the approved area plan according to the rules defined by the Department.

(i) Services to private membership prohibited. The area agency on aging will ensure that those service providers with contracts to operate a facility such as nutrition site, senior center, adult day care center, or provide other support services under the Act will not limit such facilities and services to membership in a specific group nor show discriminating preference for such membership.

(j) Advocacy. Area agencies on aging and service providers will serve as visible advocates for the rights and needs of the elderly at the legislative and administrative level of local, state, and national levels of government. This includes, but is not limited to:

(1) reviewing and commenting on proposed laws, ordinances, and policies affecting the well-being of the elderly;

(2) proposing laws, ordinances, and public policies affecting the well-being of the elderly; and

(3) representing the interest of individuals or groups of elderly in the development or administration of public policy;

(4) conducting public hearings and needs assessments to identify areas of public concern.

(k) Monitoring. Area agencies are responsible for monitoring service providers for compliance with the terms of the contract for services, including, a vendor-type agreement for the direct purchase of services, or grant agreement, federal and state laws, regulations, and rules, and for services that appropriately and effectively deliver client services. Monitoring will be conducted on-site on a time schedule estab-

lished by the area agency on aging. Additional monitoring requirements may be listed in specific service standards.

(l) Record keeping.

(1) Area agencies are responsible for ensuring that each service provider maintains documentation of the following:

(A) notice of grant awards or contract documents;

(B) expenditure reports and all accounting records used to prepare the expenditure reports, including records for program income, and other cash and in-kind contributions;

(C) programmatic records, including client information and services provided to each client as defined in 000.23(b)(3), relating to automated client information system;

(D) property records;

(E) other records which are required by the terms of the contract or grant agreement or program regulations, or are otherwise reasonably considered as pertinent to program regulations or contract or grant agreement.

(2) Additional requirements for record keeping may be listed in specific service standards.

(3) All records must be retained for a minimum of five years after termination of the contract or grant, and until any pending litigation, claim, or audit involving these records is resolved.

(4) The area agency on aging, the Texas Department on Aging, and/or their authorized representative will have access to these records for purpose of audit or to make examinations, excerpts, and transcripts for hearings or other administrative proceedings. The Federal Freedom of Information Act (5 United States Code 552) does not apply to records. Unless required by Federal, State, or local law, grantees or contractors are not required to permit public access to their records.

(m) Reporting.

(1) All grantees and service providers will use the Department's automated information system, including the systems defined in 000.23(b), relating to Automated information system. The automated information system will be used to meet the requirements in 000.23(c) relating to Financial reporting requirements, and 000.23(d) relating to Program performance reporting requirements.

(2) Automated information system. For contracts, and grants for service under an approved area plan that have been executed after August 31, 1992, each area agency on aging, service provider and subgrantee will use the automated information system software provided by the Department to maintain reporting records and prepare reports required by the Department. The Department will provide the necessary system software and specific reporting requirements to each area agency on aging grantee at the beginning of the grant period.

(A) Automated expenditure information system. The automated expenditure information system will be used to prepare the data files for the monthly Financial Status Report and Financial Status Report Supplemental, TDoA Form 269, et seq. The data maintained by this system includes, but is not limited to, monthly expenditures for each service in the approved area plan budget for Title III funds, all other Federal resources, all State resources, and all non-federal resources, including program income, that has been pooled to support grant/contract services.

(B) Automated program performance information system. The automated program performance system will be used to prepare the data files required for the monthly Program Performance Report, TDoA Form 300. The data maintained by this system includes, but is not limited to, the grant/contract services provided to elderly clients each month, and specific client profile information from the automated client information system.

(C) Automated client information system. The automated client information system will prepare the data files required by the area agency on aging grantee to be included in the automated program performance information system. The data maintained by this system includes, but is not limited to, the following:

(i) provider agency profile information, including, provider identification information, service locations (sites) and unit rate for each service, as appropriate;

(ii) client profile information from the Department's client intake form and functional assessment, TDoA Form 100, et seq; and

(iii) services provided to each client, at each service location, for each month.

(3) Financial reporting requirements. The area agency on aging grantee is responsible for maintaining financial records as defined by the Department.

(A) Expenditures must be reported monthly using the system described in 000.23(a)(1), relating to Automated expenditure information system.

(B) The area agency on aging grantee is responsible for establishing requirements for service providers and subgrantee expenditure reporting systems. These systems must be developed to obtain information that is consistent with the Department's financial reporting requirements for the area agency grantees and included in the Department's expenditure software.

(4) Program performance reporting requirements. The area agency grantee is responsible for maintaining service delivery (performance) information using the system described in 000.23(a)(2), relating to Automated program performance information system.

(A) Program performance information must be submitted monthly.

(B) The area agency on aging grantee is responsible for ensuring that each service provider or subgrantee for service uses the automated client information system and other reporting software provided by the Department to prepare data files for the area agency on aging. The providers' data files that are submitted to the area agency on aging from the automated client information system include, but are not limited to, the following:

(i) unduplicated count of elderly receiving services. The automated client information system will prepare data files for reporting the following to the area agency on aging;

(ii) the unduplicated number of elderly clients served during each month of the State fiscal year, September 1-August 31, to meet the reporting requirements placed on the Department's service network by the Texas Legislature and the Legislative Budget Board;

(iii) the unduplicated number of elderly clients served during each month of the Federal fiscal year, October 1-September 30, to meet the reporting requirements placed on the Department's service network by the Administration on Aging;

(iv) the unduplicated number of elderly receiving services in specified ethnic groups, in rural areas, in each impairment level (for in-home service contracts), and visitors over the age of 60 (for congregate meal contracts).

(C) Units of service. For each month, the automated client information system will report the number of units of each service provided to all clients, all elderly clients and all clients meeting special eligibility criteria contained in specific service standards for all services provided by contractors, subgrantees, and the area agency as a direct service provider.

(5) Due date for submission of data files and reports. All data files and reports from the automated expenditure information system and the program performance information system are due in the Texas Department on Aging offices no later than the 15th of the month following the month for which the report is prepared. The area agency on aging grantee is responsible for establishing uniform due dates for financial reports, and data files and reports from the client information system for the service providers.

(n) Contributions.

(1) The area agency on aging will ensure that written procedures for contributions for the cost of providing services are established for use by each service provider. These procedures will:

(A) provide all eligible clients or their family or advocate with the opportunity to voluntarily contribute all or part of the cost of the service;

(B) protect the privacy of such contribution;

(C) safeguard and account for all contributions;

(D) require that all client contributions must be used to support or expand services provided under an approved area plan, in accordance with 45 Code of Federal Regulations, §1321. 27, and in accordance with program income regulations in 45 Code of Federal Regulations, Part 92.25;

(E) allow service providers to establish suggested contribution schedules which considers the income ranges of the client population and the service provider's other resource.

(2) These procedures will not:

(A) require a contribution as a condition for receiving services; or

(B) establish income as a means test when establishing suggested contribution schedules.

(o) Insurance. The area agency on aging is responsible for ensuring that the service provider maintains fire and casualty, workman's compensation, and general liability insurance.

(p) Facilities. The area agency on aging will ensure that those service providers with contracts to operate a congregate facility, such as nutrition site, senior center, adult day care center, or other such facility under the Older Americans Act will:

(1) locate the facility as close as possible to the majority of eligible persons in the preferred target group in the service area;

(2) comply with all applicable local building codes, ordinances, and health department requirements, as well as all federal and state laws and regulations, in order to provide a safe environment in which to participate.

(q) No smoking policy. The Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health. The Department recognizes the right of individuals participating in programs funded in whole or in part by the Older Americans Act and/or the Department, visiting facilities of such programs, and employed as staff or volunteers in such programs to an environment reasonably free of contaminants. The Department further recognizes the right of individuals to smoke in such facilities, provided such action does not endanger life or property, cause discomfort or unreasonable annoyance to nonsmokers, or infringe upon their rights. Consequently, the smoking of tobacco products within facilities or vehicles funded in whole or in part by the Older Americans Act and/or the Department will be with the following guidelines. The service provider may develop policies that extend the limits of this policy but do not conflict with the administration of this policy.

(1) Smoking will not be permitted in meeting rooms, classrooms, and auditoriums. No smoking signs will be posted in these areas.

(2) Smoking will not be permitted in dining areas except where space and ventilation capacities permit division into smoking and nonsmoking sections. Sections should be designated and posted based on an estimate of smoking and nonsmoking participants served.

(3) Private offices may be designated as smoking or nonsmoking areas, depending on the preference of the occupant.

(4) Elevators shall be designated as no smoking areas.

(5) Emphasis should be placed on educational programs to discourage smoking.

(r) Prohibition for soliciting or accepting gifts. The service provider agencies and its employees will not solicit or accept cash, personal gifts, or favors of monetary value from a participant or his family as a reward or payment for tasks or services provided to the participant. Acceptance of such gratuities can result in immediate dismissal.

(s) Legal requirements. The area agency on aging is responsible for ensuring that the service providers are aware of their requirement to comply with all applicable federal, state, and local laws, regulations, and rules and to make available such applicable laws, regulations and rules to the providers. These include, but are not limited to, the following:

(1) Older Americans Act of 1965, as amended;

(2) 45 Code of Federal Regulations, Part 92;

(3) 45 Code of Federal Regulations, Part 74;

(4) 45 Code of Federal Regulations, Part 1321;

(5) Office of Management and Budget Circular A-110;

(6) Office of Management and Budget Circular A-87;

(7) Americans with Disabilities Act of 1990, as amended;

(8) 28 Code of Federal Regulations, Parts 35 and 36;

(9) 29 Code of Federal Regulations, Part 1630;

(10) Civil Rights Act of 1965, as amended;

(11) 45 Code of Federal Regulations, Part 80;

(12) 45 Code of Federal Regulations, Part 84;

(13) 40 Texas Administrative Code, sections pertaining to the operations of the Department as rules are promulgated.

(14) Federal Freedom of Information Act, as amended.

(15) Protective Services for the Elderly, Texas Civil Statutes, the Human Resource Code, §48.036 and §48.0361 (regarding reporting elder abuse).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 10, 1993.

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 444-2727

Chapter 267. Title III Nutrition Services Standards

• 40 TAC §§267.1-267.12

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department on Aging or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department on Aging proposes the repeal of §§267.1-267.12, concerning nutrition services as authorized under the Older Americans Act, Title III, as amended. The repeals are required as the result of the publication of a new chapter dealing with nutrition services provided under the Older Americans Act.

Ann Ammons, Director of Field Operations, has determined that for the first five-year period the repeals are in effect there will be fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Ammons also has determined that for each year of the first five years the repeal are in effect the public benefit anticipated as a result of enforcing the repeals will be greater understanding of the processes required of area agencies on aging and nutrition service providers in providing nutrition services. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Request for public comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The repeals are proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§267.1. Definitions.

§267.2. Congregate Nutrition Services Program Description.

§267.3. Congregate Nutrition Service Standards of Performance.

§267.4. Congregate Meal Site Requirements.

§267.5. Home-Delivered Nutrition Service Program Description.

§267.6. Home-Delivered Services Standards of Performance.

§267.7. Standards of Performance for Meals.

§267.8. Administrative Responsibilities for Nutrition Service Providers.

§267.9. Meal Provider Responsibilities.

§267.10. Area Agency on Aging Responsibilities.

§267.11. State Agency Responsibilities.

§267.12. Applicable Rule and Regulations.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318760

Mary Sapp
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 444-2727

• 40 TAC §§267.1-267.9

The Texas Department on Aging proposes new §§267.1-267.9, concerning nutrition service standards as authorized under the Older Americans Act, Title III, as amended. This chapter establishes definitions, policies, and procedures to be followed when area agencies contract for this service or when they monitor this service to determine its effectiveness in promoting the health and independence of the elderly of Texas.

Ann Ammons, Director of Field Operations, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Ammons, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be greater understanding of the processes required of area agencies on aging to assure proper components of this service are included in contract stipulations and that monitoring of contracting programs is based on clear requirements established by the department. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Request for public comments on the proposal may be submitted to Ann Ammons, Director

of Field Operations, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new sections are proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§267.1. Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Congregate meal—The hot or other appropriate meal served to an eligible person which meets Title III nutrition service standards and which is served at a congregate meal site.

Congregate meal site—The generic term for a facility and/or a minimum level of service within a facility that may be either a nutrition site, a senior center, or multipurpose senior center according to Texas Department on Aging definitions. As a minimum level of service, it refers to the provision of meals, nutrition education, and nutrition outreach to eligible persons and their spouses, the cost of which is supported in whole or in part by Title III-CI funds.

Congregate nutrition service provider—An agency that is awarded a subgrant or subcontract from an area agency on aging to provide congregate nutrition services and which may include meal preparation.

Congregate nutrition services—The provision of services at a congregate meal site in accordance with standards established in this chapter.

Consultant—An individual on contract full-time or part-time to perform professional services.

Contact—A unit for measuring the provision of services. One contact is recorded each time a participant receives a service. For group activities, each participant counts as one contact.

Elderly—Those persons age 60 and over and their spouses, regardless of age.

Greatest economic need—Needs that are the result of income levels at or below the poverty threshold.

Greatest social need—Needs that are associated with non-economic factors which include physical and mental disabilities, language barriers, or cultural or social isolation, including that caused by racial or ethnic status, which restrict an individual's ability to perform normal tasks or threaten one's capacity to live independently.

Homebound—Confined to the home and unable to prepare one's own nutritious meals and whose isolation may be demonstrated by lack of support to obtain nutritious meals from family, friends, or other resources.

Home-delivered meal—A meal delivered to a homebound person.

Home-delivered nutrition service provider—An agency that is awarded a

subgrant or subcontract from an area agency on aging or nutrition service provider to provide home-delivered nutrition services and which may include meal preparation.

Home-delivered nutrition services—The provision of services to a home-bound elderly person in his/her place of residence in accordance with standards established in this chapter.

Meal—Food provided in accordance with the standard established in this chapter.

Meal carrier—A container designed and used to transport bulk containers of food or individually packaged meals, to include picnic chests with lids, thermal envelopes, and thermal bags if they meet performance criteria. National Sanitation Foundation approval is not required.

Meal cost—The total service unit cost including food and administrative costs plus costs for nutrition education, outreach, and nutrition consultation, if applicable. Delivery costs should be included for home-delivered meals.

Meal packaging—Permanent or disposable trays or cups with lids or seals, and bags or boxes which are designed and used for delivery of individual servings of food for a meal.

Meal provider—An agency or organization that is awarded a subgrant or contract from the area agency on aging or a congregate or home delivered nutrition service provider to provide meals. A meal provider does not have to be the same entity as a service provider.

Menu cycle—A preplanned written sequence of daily menus for a minimum of four weeks.

Multipurpose senior center—A facility open to older persons at least six hours per day, five days per week, that provides meals or nutritious foods at least once per week, programs in nutrition and health education, exercise, and physical fitness at least once per month, and access to other services including information and referral, transportation, health screening, and volunteer activities.

Nutrition consultation services—Activities usually performed by a service provider that may be either contracted separately with a qualified dietitian or provided as a direct service by the area agency on aging. The service may include activities stated in §267.7(b) of this title (relating to Administrative Responsibilities for Nutrition Service Providers). Such activities do not include area agency on aging responsibilities for monitoring as established in this chapter.

Nutrition education—The provision of information by which individuals gain understanding, skill, and motivation necessary to promote and protect nutritional well-being through better food choices.

Nutrition outreach—An activity designed to seek out and identify, on an ongoing basis, the maximum number of the

hard-to-reach, isolated, and withdrawn target group eligible individuals throughout the program area.

Nutrition site—A type of congregate meal site that offers a minimum level of services and does not necessarily meet the minimum standards for senior centers or multipurpose senior centers.

Participants—Those older persons age 60 years or older and their spouses who receive one or more services as defined here.

Participant day—A unit of service for reporting attendance of one participant for any part of one day for receipt of one or more services. When participant day is used to measure congregate nutrition services, one of the services received will be a meal.

Performance based unit rate contract—A contract for service which reimburses the service provider at a contractually negotiated fixed rate for a unit of service provided according to specified performance standards.

Performance standards—The minimum standards under which aging services may be contracted with Older Americans Act funds, as published in this chapter.

Potentially hazardous food—Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a Ph level of 4.5 or below or a water activity (Aw) value of 0.85 or less.

Qualified dietitian—An individual who is a registered dietitian with the Commission on Dietetic Registration, or a licensed or provisionally licensed dietitian with the Texas State Board of Examiners of Dietitians.

Qualified dietary manager—An individual who is certified by the Dietary Managers Association to have completed a dietary managers course and a minimum of 100 hours of on-the-job training in a supervisory position in the food service department of a health care facility.

Sealed—Free of cracks or other openings that permit the entry or passage of moisture or other foreign matter.

Senior center—A facility open to older persons that provides meals or nutritious foods at least once per week and programs on nutrition and health education, exercise, and physical fitness at least once per month.

Service provider—An entity that is awarded a subgrant or contract from an area agency on aging or another service provider to provide services under the area plan. A service provider that only provides meals is a meal provider for purposes of these standards.

Shelf stable—Packaged dry food, or food processed in anaerobic containers, such as cans, retort pouches, or ultra-high-temperature pasteurized cartons, that are safe for months without refrigeration.

Staff—Those persons employed part or full-time and paid to perform duties related to services for older persons.

Supplemental nutrition product—A food or beverage which is fortified with calories and nutrients and/or altered in texture or elemental nutrients, to meet the special dietary needs of the participants with specific medical or nutritional needs.

Therapeutic medical diet—Meals that are altered to meet the specific requirement of a diagnosed disease or metabolic disorder, to correct nutritional deficiencies, and/or to support attainment of ideal body weight.

Unit of service—A meal served as part of congregate nutrition services or as part of home-delivered meal services.

Volunteers—Those persons working at least eight hours during one month of the quarter without pay.

§267.2. Congregate Nutrition Services Program Description.

(a) **Unit of service.** The unit of service is one meal served in accordance with Title III nutrition service standards. Exceptions will be permitted only when the area agency on aging contracts for congregate nutrition services, nutrition education, nutrition outreach, or nutrition consultation services with one or more agencies other than the meal provider. In such cases, the following units of service will be used.

(1) The unit for congregate nutrition services will be a participant day. The meal-related costs for congregate nutrition services will be combined with meal costs for reporting purposes.

(2) The unit for nutrition education will be one contact for a minimum of 15 minutes;

(3) The unit for nutrition outreach will be one contact by telephone, written communication, or in person; and

(4) The unit for nutrition consultation services will be a meal served as part of congregate nutrition services, or one contact of nutrition education. For reporting purposes, meal-related costs for nutrition consultation services will be combined with meal costs.

(b) **Service objective.** The service objective is to promote better mental and physical health for older people through nutritious meals and socialization. Congregate nutrition services should be a part of a system of services to promote independent living for the elderly by serving as a focal point for services.

(c) Service activities. Service activities include provision of meals and nutrition education in a group setting in a nutrition site, senior center, or multipurpose senior center with ongoing nutrition outreach. Other services, including information and referral, access to congregate meal sites, health and educational programs, or recreational activities may also be provided by resources other than Title III-C1. The service of therapeutic medical diets is encouraged. See §267.7(i) of this title (relating to Administrative Responsibilities for Nutrition Service Providers) referring to modified diets for requirements.

(d) *Eligibility. Any person age 60 years or over, and the spouse of that person regardless of age is eligible for participation. Eligibility is further described by the following criteria.

(1) Disabled persons under 60 years of age may receive services in accordance with a uniform and consistent area-wide policy:

(A) if they reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided; or

(B) if they reside in a non-institutional household with and accompany a person eligible for congregate meals.

(2) Volunteers under 60 years of age who work during the meal service may receive meals in accordance with a uniform and consistent area-wide policy.

(3) Guests under 60 years of age may receive meals if doing so will not deprive an older person of a meal and if the full meal cost is recovered.

(4) Residents of long-term care facilities and participants of adult day care centers are not eligible for Title III meals if other federal or state entitlement programs such as social service block grants (formerly Title XIX and Title XX of the Social Security Act) are funding those meals.

(e) Preferred target group. The preferred target group consists of eligible persons with the greatest economic or social needs, and particularly low-income minority elderly and others who cannot afford to eat adequately or who lack the knowledge, skills, mobility, or motivation to obtain and/or prepare adequate food. § 267.3. *Congregate Nutrition Service Standards of Performance and Site Requirements.*

(a) Schedule of meal service. The service provider agency will serve hot or other appropriate meals at least one meal per day, five or more days per week, and a minimum of 250 days per year. Rural areas

may serve on a less frequent schedule, if:

(1) the frequency in subsection (a) of this section is not feasible; and

(2) the less frequent schedule is approved by the area agency on aging and Texas Department on Aging.

(b) Participant intake, assessment, and reassessment procedures. The service provider agency will maintain official files containing information which identifies regular participants, documents eligibility, and gives procedures for emergency care.

(1) Participant files should contain the date that each participant is provided oral or written procedures for contributions and for complaints.

(2) The confidentiality of such files will be protected.

(c) Meal service procedures. These procedures will take into consideration safety, sanitation, accessibility, convenience, and needs of participants and will include:

(1) welcoming participants to site, keeping attendance records, and encouraging contributions;

(2) setting up serving and dining areas;

(3) providing of wrapped straws or sanitary cups or glasses for milk;

(4) insuring correct portion sizes and utensils;

(5) insuring sanitation procedures for staff and volunteers who serve food;

(6) taking food temperatures periodically throughout holding periods, and at beginning of service;

(7) assisting participants who have physical difficulties with trays; and

(8) insuring cleanup after meals, washing non-disposable items, and disposal of garbage.

(d) Temperature requirements. Potentially hazardous foods must be kept at a safe temperature as stated in the Texas Department of Health Division of Food and Drug "Rules for Food Service Sanitation".

(e) Holding Time. Holding time for hot food will not exceed four hours from the time when the food is taken from the equipment in which cooking or reheating is completed until it is served.

(f) Leftover food.

(1) Unserved leftover food will be minimized by accurate production forecasting and will not include a margin for oversized portions or second servings. Unserved leftover food may be served to participants at the site if proper food handling

and storage techniques have been maintained. See §267.8(c) of this title (relating to Meal Provider Responsibilities) referring to food handling.

(2) Foods served to the participant as a part of the meal that may be taken from the site are cake, cookies, breads, rolls, and fresh fruit. These foods, other than whole citrus fruits and bananas, will be wrapped before being taken. Entrees, vegetables, canned fruit, milk, margarine, or butter will not be taken from the site by the participant.

(g) Nutrition outreach. Nutrition outreach will be performed as needed with particular emphasis on the preferred target group to assure that the maximum number of persons who are most in need of services may have an opportunity to participate.

(h) Nutrition education. Nutrition education will be provided at each congregate nutrition site through at least one monthly program of not less than 15 minutes. The presenter and/or the content of all programs will be developed or distributed by a qualified dietitian, county extension agent, or other sources approved by the Texas Department on Aging.

(1) A nutrition education plan will be developed to include:

(A) the title and/or topic of the program;

(B) the source or developer of the program; and

(C) the presenter.

(2) The nutrition education plan must be approved by a qualified dietitian before programs are presented.

(3) Written documentation will be kept of programs presented including date, topic, source, presenter, and number in attendance.

(i) Facility access. Facility access will be in accordance with Chapter 262 of this title (relating to General Service Standards).

(1) Tables and chairs will be available for all participants and will be sturdy and appropriate for older persons. Adequate aisle space will be provided between tables for persons with crutches, walkers, or wheelchairs.

(2) Blind or disabled persons and those with limited mobility will have special provisions as necessary for the service of meals and will have available, on request and with a physician's order, appropriate food containers and utensils.

(j) Posting of notices. Posting of notices will be in accordance with Chapter 262 of this title (relating to General Service Standards). Additional information will be posted in a conspicuous location and will include:

(1) the full cost of the meal to be recovered from ineligible persons who are served a meal;

(2) the recommended amount for contributions for participants and how contributions are used;

(3) menus for a minimum of one week in advance.

§267.4. Home-Delivered Nutrition Service Program Description.

(a) Unit of service. The unit of service is one meal delivered in accordance with Title III Nutrition Service Standards.

(b) Service objective. The service objective is to promote better health for homebound older persons who are eligible for nutritious home-delivered meals.

(c) Service activities. Service activities include provision of meals and nutrition education in the home, with ongoing nutrition outreach, assessment of needs, and appropriate referral to other services. Other in-home services may also be provided by resources other than Title IIIC2. The service of therapeutic medical diets is encouraged. See §267.7(i) of this title (relating to Administrative Responsibilities for Nutrition Service Providers) referring to modified diets for requirements.

(d) Eligibility.

(1) A person age 60 years or over who is homebound by reason of illness, incapacitating disability, or frailty is eligible to receive home delivered meal services. Other criteria include those who are age 60 and over, and are home bound and unable to prepare meals due to limited mobility, psychological or mental impairment; are unable to safely prepare nourishing and well-balanced meals; and are without resources such as family, friends, or other community services to provide them with meals.

(2) The spouse of an eligible client regardless of age or condition, or a non-elderly disabled person living with the eligible client may receive a home-delivered meal if, according to the criteria determined by the nutrition services provider and approved by the area agency on aging, receipt of that meal is in the best interest of the homebound older person.

(3) Non-elderly volunteers who work during the meal service are eligible to receive a meal in accordance with a uniform and consistent area wide policy.

(e) Preferred target group. The preferred target group consists of eligible persons with the greatest economic or social needs, and particularly low-income minority elderly.

§267.5. Home-Delivered Service Standards of Performance.

(a) Schedule of meal service. The service provider agency will provide home delivered meals at least one meal per day, five or more days per week and for a minimum of 250 meals per year. If a needs assessment indicates that other resources are available on one or more serving days, then less than five meals per week may be delivered. Rural areas may serve on a less frequent schedule, if:

(1) the frequency in subsection (a) of this section is not feasible; and

(2) the less frequent schedule is approved by the area agency on aging and Texas Department on Aging.

(b) Assessment of need. The service provider agency will develop and implement procedures for determination of eligibility and assessing the need for service to assure that meals are delivered only to eligible persons.

(1) A home visit for assessment of need for service will be documented within two weeks of beginning service.

(2) Reassessment will be done at no greater than six-month intervals. If the participant, has been receiving a therapeutic diet or a supplemental nutrition product, the need for these will be reassessed.

(c) Participant records. Files will be maintained containing information which identifies regular participants, documents eligibility, and gives procedures for emergency care.

(1) Participant files for home-delivered meal applicants should contain documentation of assessment visits which include reason for homeboundness and any resources such as family, friends, and neighbors. The date of each assessment and reassessment visit and the name of the individual doing the assessment will be recorded. The dates of initiation and termination of meal delivery and the name of the individual authorizing them will be recorded. If an application for service is denied, the reasons will be recorded with the name of the responsible individual.

(2) The confidentiality of such files will be protected.

(d) Conditions for referral to other services. Participants will be screened for need and assisted in taking advantage of other services. Conditions of the participant will be referred to appropriate agencies ac-

ording to established procedures as follows.

(1) The meal delivery driver, other staff, or volunteers will report to a designated person at the service provider agency when the previous day's food is found uneaten and/or where it was left the previous day, the participant cannot be found, and suspension of services has not been authorized. The service provider agency will investigate and carry out appropriate action the same day of awareness.

(2) The meal delivery driver, other staff, or volunteers will report to the service provider agency significant changes in the participant's physical or mental condition or environment. The service provider agency will investigate and carry out appropriate action by the first working day after awareness.

(3) With the consent of the older person, or his or her representative, the service provider agency will bring to the attention of the appropriate official for follow-up, conditions or circumstances which place the older person or the household in imminent danger the same day of awareness.

(4) For suspected cases of abuse, neglect, and exploitation, see Chapter 262 of this title (relating to General Services Standards).

(e) Meal delivery. Delivery of each meal will be in accordance with the following procedures.

(1) The meal will be handed directly to the participant or permission will be received to enter the home and conveniently place the meal with direction from the participant or an authorized caregiver. The authorized caregiver will be designated by both the participant and the service provider agency.

(2) Frozen or chilled meals not intended for immediate use will be placed in the freezer or refrigerator as appropriate.

(3) The meal delivery driver or a supervisor of volunteer drivers will assure daily recording of delivery of each meal to each participant.

(f) Meal packaging. Supplies and carriers will be used that assure that hot foods are packaged and transported in separate carriers from cold foods.

(1) Meal carriers used to transport trays or containers of potentially hazardous food and other hot or cold food will be enclosed and equipped with insulation and supplemental hot or cold sources as needed to maintain appropriate temperatures.

(2) Meal carriers will be cleaned and sanitized daily. If not sanitized, they must have a sanitized inner liner.

(3) Meal packaging will be completely sealed to prevent moisture loss or spillage and will be easy for the participant to open. Appropriate packaging and utensils for blind and disabled participants will be available on request and with a physician's order.

(g) Refrigeration. Refrigeration of potentially hazardous food will be such that foods are prechilled in less than four hours and held at 45 degrees Fahrenheit or below throughout transport. Fruit or vegetable salads that do not contain potentially hazardous foods will be prechilled and held at 55 degrees Fahrenheit or below.

(h) Hot storage. Hot storage of potentially hazardous foods will be such that foods are held until delivery at 140 degrees Fahrenheit or above except during necessary periods of preparation. Hot foods that are not potentially hazardous will be held until delivery at 110 degree Fahrenheit or above.

(i) Holding time. Holding time for hot food will not exceed four hours from the time when the food is taken from the equipment in which cooking or reheating is completed until it is delivered to the participant.

(j) Dried, acidic, or canned foods. Foods that are not potentially hazardous will be packaged and transported in covered containers protected from contamination, crushing, or spillage. Instructions for rehydration or heating of shelf stable meals will be provided with each meal.

(k) Frozen or chilled meals. These meals will be used only under the following conditions:

(1) the service provider agency and the participant are able to provide safe conditions for storage, thawing, and reheating;

(2) frozen food is packaged and kept at zero degrees Fahrenheit or below until it is thawed for use;

(3) instructions for proper storage and reheating are provided with each meal;

(4) provisions are made, in accordance with assessed needs, for telephone calls or personal visits by volunteers, staff, neighbors, friends, or family members.

(l) In-house monitoring. Monitoring by the meal provider agency will be documented for each route semi-annually, or more often as needed, as follows:

(1) the temperature of a test meal or the ambient temperature in the meal carrier when the last meal is removed;

(2) the number of hours and minutes from the time the first hot food item is taken from the equipment in which cooking or reheating is completed until the last meal is delivered; and

(3) delivery procedures and condition of the meals.

(m) Nutrition outreach. Nutrition outreach will be performed to assure that the maximum number of eligible individuals may have an opportunity to participate.

(n) Nutrition education. Nutrition education will be available at a minimum through materials sent to the home, a home visit, or a telephone contact once per month. The content of all programs will be developed or distributed by a qualified dietitian, county extension agent, or other sources approved by the Texas Department on Aging.

(1) A nutrition education plan will be developed to include:

(A) the title and/or topic of the program;

(B) the source or developer of the program;

(C) the presenter; and

(D) method of presentation.

(2) The nutrition education plan must be approved by a qualified dietitian before programs are presented.

(3) Documentation will be kept by date, topic, source, presenter, and method of presentation.

§267.6. Standards of Performance for Meals.

(a) One-third of the RDA. Each meal will contain at least one-third of the current Recommended Dietary Allowances (RDAs) for persons age 60 years and older as established by the Food and Nutrition Board of the National Research Council - National Academy of Sciences, if one meal per day is provided.

(1) A minimum of two-thirds of the RDA will be provided if two meals per day are offered.

(2) A minimum of 100% of the RDA will be provided if three meals per day are offered.

(b) Compliance with Dietary Guidelines. Meals will comply with the Dietary Guidelines for Americans, published by the Secretary of Agriculture and the Secretary of Health and Human Services.

(1) Meals will provide 25-35 grams of fat per meal. This can be calculated on a per meal basis or averaged throughout a week of meals.

(2) The addition of salt will be limited. Food items with a high salt content will be limited to a maximum of three servings per week and not more than one serving per day.

(3) Food items with a high sugar content will be limited to a maximum of three servings per week.

(4) At least one food high in fiber content will be served with each meal.

(c) Menu approval. Each menu cycle which may include a list of allowable substitutions will be approved as meeting standards established in this chapter by a qualified dietitian. Documentation of menu approval will include the following on each menu page:

(1) the consultant's name and registration or license number;

(2) the meal provider agency name(s); and

(3) the dates, including the year, the menu will be served.

(d) Menu documentation. Documentation of nutritional adequacy will accompany each menu. It will reflect, at a minimum, adequate provision of the following nutrients: protein, calcium, iron, thiamin, Vitamin A, and Vitamin C. Documentation will also show that each meal provides at least 600 and not more than 1,000 calories (the recommended level being between 750 and 850 calories) with approximately 30% of the calories from fat.

(e) Nutrient analysis. Methods of nutrient analysis documentation may be any one or a combination of the following:

(1) a computer (or manual) analysis based upon United States Department of Agriculture Handbook Number 456, Number 8, or Number 72; and

(2) nutrient analysis checklist method approved by the Texas Department on Aging.

(f) Menu patterns. The standard menu pattern will be as follows:

(1) an entree to include meat and/or meat alternate, such as cheese, cottage cheese, legumes, or eggs;

(2) three 1/2 cup servings drained weight or volume of different vegetable or fruit menu items. A 1/2 cup serving of vegetable or fruit may be mixed with the entree or as part of a soup, salad, or dessert;

(3) one serving of whole grain or enriched bread or alternate;

(4) eight ounces fortified milk or calcium-equivalent food;

(5) dessert is optional.

(g) Special diets. Therapeutic medical diets may deviate from the standard menu pattern as required by the participant's special needs and medical condition. See §267.7(i) of this title (relating to Administrative Responsibilities for Nutrition Service Providers).

(h) Menu frequency. A Menu cycle will not be repeated more than six times per year. Daily menus will not be repeated more than one time per month.

(i) Menu monitoring. Each menu, as served, will be kept on file for six months for monitoring purposes.

(j) Supplemental Nutrition Products. A Title III eligible meal participant may be eligible to receive a supplemental nutrition product after a nutritional screening indicates poor nutritional risk.

(1) The nutritional screening will be conducted by a qualified dietitian, social worker, or health care professional.

(2) If indicated after screening, referral can be made for an in-depth assessment by a health professional such as a registered or licensed dietitian or a physician.

(3) Supplemental nutrition products may be indicated for use by program participants who are assessed as being at nutritional risk.

(A) These individuals may be homebound without adequate resources for food or nutritional supplementation; diagnosed with an incapacitating or chronic illness which interferes with eating or appetite, and/or recently hospital discharged needing short term nutritional intervention.

(B) These products shall be used to supplement the existing diet and not to replace meal service. The exception would be a physician's prescription to administer a supplemental nutrition product as a tube feeding or a liquid/pureed diet.

(4) Reimbursement for supplemental nutrition products. A supplemental nutrition product can qualify for reimbursement as a Title III funded meal and be eligible for USDA cash entitlement if the supplemental nutrition product or combination of products meets RDA requirements as specified in subsection (a) of this section, referring to one-third RDA. Title III or USDA funds cannot be reimbursed for tube feedings which are covered under medicare or other reimbursement sources.

(5) For supplementation purposes no more than the equivalent of seven

meals should be distributed once per weekly delivery or no more than one meal equivalent if delivered daily.

§267.7. Administrative Responsibilities for Nutrition Service Providers.

(a) Nutrition objectives. Objectives will be adopted by providers which are specific, verifiable, and achievable concerning number and frequency of meals to be served, number of people to be served, percent of minority participation, and number of units of nutrition outreach and nutrition education.

(b) Qualified dietitian requirement. Each nutrition provider will establish and administer the nutrition project with the advice of a qualified dietitian, older participants who will participate in the program, and of other persons who are knowledgeable with regard to the needs of the elderly.

(1) The qualified dietitian will be involved in the planning and/or performance of all of the following activities:

(A) the development of a system of coordinated care within the community, of which nutrition services is a part, which allows the elderly to live independently in their own homes for as long as possible;

(B) the targeting and outreach plan;

(C) food service staff training;

(D) meal service procedures;

(E) needs assessment for therapeutic medical diets; and

(F) procedures for determining homeboundness and eligibility for home-delivered meals.

(2) The qualified dietitian will perform all of the following activities:

(A) menu approval for compliance with §267.6 of this title (relating to Standards of Performance for Meals);

(B) approval of participant nutrition education plan; and

(C) consultation with the provider on compliance with Nutrition Service Standards and sanitary food handling practices.

(3) The qualified dietitian will conduct follow-up consultation on at least a semi-annual basis.

(c) Notice of changes. Cancellation of services by closing a site or reducing the days a site is open requires written approval of the area agency on aging.

(d) Change notices. The Area Agency on Aging will be notified in writing on any changes in director or administrator, location or mailing address of agency office or service site, or hours of operation within 10 calendar days of the change.

(e) Participant intake, assessment, and reassessment procedures. The service provider agency will maintain official files containing information which identifies regular participants, documents eligibility, and gives procedures for emergency care.

(1) Participant files should contain the date that each participant is provided oral or written procedures for contributions and for complaints. See §267.5(c) of this title (relating to Home-Delivered Service Standards of Performance) for additional requirements for home-delivered meal applicants.

(2) The confidentiality of such files will be protected.

(f) Policies and procedures. Policies and procedures for nutrition services that state how and by which staff or volunteer position regular activities of the agency are completed will be adopted by the provider agency and available to all staff, volunteers, and participants on request.

(g) Participant grievances. Participant grievance procedures are established in Chapter 262 of this title (relating to General Service Standards).

(h) Food sanitation. All food handling and service activities will comply with Texas Department of Health Division of Food and Drug. "Rules for Food Service Sanitation".

(i) Food and meal sources. All food shall be obtained from sources that comply with all laws relating to food and food labeling. All home prepared or home canned food is prohibited.

(j) Modified diets. The service of providing therapeutic medical diets is encouraged.

(1) Therapeutic medical diets for individual, specific diagnoses will only be served under the following conditions:

(A) if a written diet order, signed by the physician, is on file;

(B) if meal preparation and service are under the supervision of a quali-

fied dietitian, or a qualified dietary manager;

(C) if assessment of the participant by a qualified dietitian at least once every six months validates the need and capacity to remain on the diet for meals not supplied by the provider; and

(D) if the meal provider agency has or can obtain at reasonable cost the necessary food and skills to prepare therapeutic meals.

(2) Therapeutic medical diets may be "direct-service" purchased from a provider who meets all requirements specified in subsection (1) of this section relating to therapeutic diets.

(k) Interpreters. Individuals can be reached as needed who are able to communicate with participants who are hearing impaired or are speakers of non-English languages predominant in the community.

(l) Weather-related emergencies, fire, and other disasters.

(1) Facilities and equipment of the service provider agency will be available in emergencies and disasters according to a plan that puts needy regular elderly participants as a priority.

(2) The service provider agency will adopt written procedures to assure availability of food to participants in emergencies and disasters.

(m) Qualifications for director of the nutrition service provider agency. The service provider agency will identify an individual as director who is responsible for the overall management of nutrition services and who will ensure compliance with performance standards.

(1) The director or another employee responsible for food service management will complete the 15-hour course in food protection approved by the Federal Food and Drug Administration or the Texas Department of Health or an equivalent course approved by the Texas Department on Aging. The course completed must comply with local health ordinances, if applicable.

(2) The food protection course will be successfully completed within six months of employment, and be renewed every five years, or more often as needed to be current.

(3) The director of the meal provider agency may be the same person as the director of a nutrition service provider agency in which case standards for qualifications for both types of director will apply.

(n) Staff orientation and training.

(1) Training of staff, including volunteers, as defined, will consist of at least one hour prior to assuming duties to cover the following:

(A) participant confidentiality;

(B) procedures used in handling emergency situations involving participants, recognition of abuse, and referral to appropriate agencies;

(C) sanitary methods used in serving and delivery of meals; and

(D) general knowledge and basic techniques of working with aged and disabled individuals.

(2) Staff, including volunteers, as defined, who have contact with participants for out-reach, assessment, or supportive services will receive at least one additional hour of orientation on area agency on aging and Texas Department on Aging standards, policies, and procedures.

(3) All training and orientation will be documented and kept on file for monitoring purposes.

(o) Documentation of delivery of services. The service provider agency will maintain daily logs and other such records, and submit to the area agency timely, complete, and accurate reports, in such form, and containing such information as may be necessary to enable determination of compliance with the Older Americans Act, federal regulations, and Texas Department on Aging Nutrition Service Standards, policies, and procedures.

(p) Performance reports, chart of accounts, and retention of records will comply to Chapter 262 of this title (relating to General Service Standards).

(q) Financial records. The service provider agency will maintain records in accordance with Texas Department on Aging reimbursement requirements. The following records will be available on request:

(1) daily report of participant contributions, program income, and in-kind contributions;

(2) inventories of all equipment and United States Department of Agriculture commodities;

(3) equipment maintenance records;

(4) documentation of cash and in-kind match; and

(5) receipts for purchases of meals, food, and supplies.

(r) Insurance coverage, licenses, and certifications. The service provider agency will maintain fire and casualty, workman's compensation, and general liability insurance.

(s) Contributions. Contributions will be managed in accordance with Chapter 262 of this title (relating to General Service Standards) and the following.

(1) Contributions will be used only to expand nutrition services, including outreach and nutrition education, or transportation services that will increase attendance at nutrition sites.

(2) The service provider agency will accept food stamps as contributions for meals if warranted by local need. The nutrition provider will survey participants at least annually to assess if food stamps will be received as contributions.

(t) Other program income. The provider agency will recover at a minimum the full meal cost as defined for ineligible meals for staff and guests under 60 and for other meals to be sold. Additional recovery of local in kind plus profit is permitted. Payment for ineligible meals will be receipted separately from contributions and handled the same as program income. The meal cost for purposes of cost recovery from staff and guests under 60 will be posted in a prominent location for guests.

§267.8. Meal Provider Responsibilities.

(a) Service changes. Cancellation of services by closing a kitchen or reducing the days a kitchen is open requires written approval of the area agency on aging.

(b) Notice of changes. The area agency on aging will be notified in writing on any changes in director or administrator, location or mailing address of agency office or kitchen, or hours of operation within 10 calendar days of the change.

(c) Compliance with laws and regulations. The meal provider agency will use procedures that are in compliance with all applicable state and local fire, health, sanitation, and safety laws and regulations. All food served will comply with Texas Department of Health Division of Food and Drug Rules for Food Service Sanitation.

(d) Food production. Food production will be planned and managed through use of standardized recipes adjusted to yield the number of servings needed, and to assure consistency in quality and documented nutrient content of food prepared.

(e) Foodborne illness complaints. The provider agency will promptly initiate investigation by local health authorities of complaints involving two or more persons with symptoms of foodborne illnesses within a similar time frame after consuming

food from the meal provider agency. Providers will notify the area agency on aging, who will notify the Texas Department on Aging immediately of the investigation. A written report of the investigative and corrective action taken will be submitted to the area agency on aging and the Texas Department on Aging within 24 hours.

(f) Weather related emergencies, fire, and other disasters.

(1) The facility and equipment of the meal provider will be available in emergencies and disasters according to a plan that puts needy regular elderly participants as a priority.

(2) The meal provider agency will coordinate with the nutrition service provider agency to assure availability of food to participants in emergencies and disasters.

(g) Qualifications for director of the meal provider agency. The meal provider agency will identify an individual as director who is responsible for the overall management of meal production and who will ensure compliance with performance standards.

(1) The director or another employee responsible for meal production will complete the 15-hour course in food protection approved by the federal Food and Drug Administration or the Texas Department of Health, or an equivalent course approved by the Texas Department on Aging. The course completed must comply with local health ordinances, if applicable.

(2) The food protection course will be successfully completed within six months of employment, and be renewed every five years, or more often as needed to be current.

(3) The director of the meal provider agency may be the same person as the director of a nutrition service provider agency in which case standards for qualifications for both types of directors will apply.

(h) Director orientation and training. Orientation and training of meal provider director or food preparation supervisor will consist of at least eight hours within 30 days of assumption of duties to cover the following areas:

- (1) personal hygiene;
- (2) food storage, inventory methods, preparation, and service;
- (3) selection of proper utensils and equipment for transporting and serving food;
- (4) dish washing procedures, both automatic and manual;
- (5) practical procedures for food

preparation, storing, and serving to preserve nutritional quality of food;

(6) portion control of food in appropriate containers;

(7) quality control of flavor, consistency, texture, temperature, and appearance;

(8) nutritional needs of elderly adults to be served;

(9) menu planning, menu substitution, and nutrient documentation; and

(10) United States Department of Agriculture commodity programs.

(i) Staff orientation and training. Training of staff, including volunteers as defined, will consist of at least one hour prior to assumption of duties to cover the following areas:

- (1) personal hygiene;
- (2) food storage, preparation and service;
- (3) sanitation procedures;
- (4) portion control of food in appropriate containers; and

(5) quality control of flavor, consistency, texture, temperature, and appearance (to include use of garnishes).

(j) Documentation of delivery of meals. The meal provider agency will maintain daily logs and other such records and submit to the area agency timely, complete, and accurate reports, in such form, and containing such information as may be necessary to enable determination of compliance with the Older Americans Act, federal regulations, and Texas Department on Aging nutrition service standards, policies, and procedures.

(k) Performance reports, chart of accounts, and retention of records. They will be maintained in accordance with Chapter 262 of this title (relating to General Service Standards).

(l) Financial records. The meal provider will maintain records in accordance with the Texas Department on Aging reimbursement requirements. The following records will be available on request:

- (1) daily report of participant contributions, program income, and in-kind contribution;
- (2) inventories of all equipment and United States Department of Agriculture commodities;
- (3) equipment maintenance records;
- (4) documentation of cash and in-kind match; and

(5) receipts for purchases of meals, food, and supplies.

(m) Insurance coverage, licenses and certifications.

(1) At a minimum, the meal provider agency will maintain workmen's compensation insurance and general liability.

(2) All kitchens where food is prepared will be inspected by the Texas Department of Health or the local health department.

(n) United States Department of Agriculture assistance. United States Department of Agriculture assistance for meals served in the form of cash, commodities, or items processed with commodities will be used to the maximum extent feasible in accordance with regulations of USDA, the Texas Department of Human Services, and the Texas Department on Aging. All eligible meals, regardless of the funding source, will be reported for USDA cash or commodity reimbursement.

§267.9. Area Agency on Aging Responsibilities.

(a) Assess needs. The area agency will assess or review prior assessments and revise as needed to reflect the level of need for congregate and home-delivered meals within the area and allocate resources accordingly.

(b) Area plan for services. The area agency will develop an Area plan that addresses the need for nutrition services. Measurable objectives that address prioritized needs for nutrition services will be included. Provision for the service of therapeutic medical diets should be emphasized.

(c) Policies and Procedures. The area agency will adopt or develop and distribute written policies and procedures. Included will be procedures designed to assure that:

- (1) only persons who are eligible receive nutrition services;
- (2) the provision of services is documented and reported;
- (3) all meals meet requirements as specified in §267.6 of this title (relating to Standards of Performance for Meals).
- (4) providers comply with all applicable laws and regulations;
- (5) there is a uniform and consistent policy for service of meals to volunteers and to disabled persons under 60 who are living with an eligible person, or in housing projects designed for the elderly;
- (6) uniform and consistent procedures for waiting lists are used;

(7) providers comply with minimum required procedures for collecting and accounting for participant contributions;

(8) client confidentiality is protected in record keeping and service delivery; and

(9) service provider agencies have appropriate arrangements for availability of meals in weather-related emergencies or disasters.

(d) Evaluation of proposals. The area agency will award nutrition service and meal contracts to responsible agencies capable of providing cost effective services. Evaluation criteria will include, but not be limited to:

(1) unit cost;

(2) a service plan, including days and locations;

(3) necessary staff experience and training, accounting and operational controls and technical skills, or ability to obtain them;

(4) a management plan;

(5) a satisfactory performance record, including service delivery and fiscal accounting procedures;

(6) necessary facilities or ability to obtain them;

(7) adequate financial resources to perform the contract or ability to obtain them; and

(8) coordination and resource development plan.

(e) Staffing for nutrition contract management duties. One or more staff or consultants will be designated by the area agency to manage nutrition service contract. The minimum qualification for the nutrition contract management staff or consultant will be:

(1) a registered or licensed dietitian; or

(2) completion of a 15-hour course in food protection approved by the Food and Drug Administration or the Texas Department of Health, or a certificate course having an equivalent curriculum. The course will be completed within six months of employment, and every three years thereafter.

(f) Nutrition contract management duties. The following duties will be assigned in one or more job descriptions or professional services contracts:

(1) on-site monitoring of nutrition service providers;

(2) monitoring menus and nutrient analysis;

(3) technical assistance related to nutrition services; and

(4) if the nutrition contract management duties are performed by a Registered or licensed Dietitian, the activities in §267.7(b) of this title, (relating to Administrative Responsibilities for Nutrition Service Providers) may also be assigned.

(g) Site monitoring. Site monitoring by designated nutrition contract management staff or consultants will include the following components:

(1) documentation of performance indicators which indicate compliance with Texas Department on Aging nutrition service standards;

(2) a minimum of one monitoring visit to each congregate meal site and to each kitchen at least once per year, or more often as needed. Site monitoring may be delegated to a qualified dietitian as a consultant employed by the area agency on aging or the service or meal provider. A designated area agency on aging staff or consultant will, at a minimum, provide the format and procedures for monitoring and documentation, review reports, and assure corrective action. Documentation of compliance with all standards will be completed at least annually;

(3) documentation of problems and recommendations with completion dates for corrective action made in writing and copies given to the service provider within 30 working days of monitoring visit; and

(4) follow-up contacts and documentation until corrective action is completed.

(h) Monitoring of menus and nutrient analysis. Monitoring of menus and nutrient analysis by designated nutrition contract management staff or consultants will include assurance that menus meet performance standards for meals as established in this chapter. Comparisons between approved menus, actual meals served, and receipts for foods purchased by each meal provider will be made during each monitoring visit, or more often as needed.

(i) United States Department of Agriculture assistance. United States Department of Agriculture assistance in the form of cash, commodities, or items processed with commodities for meals served will be used to the maximum extent feasible in accordance with regulations of USDA, the Texas Department of Human Services, and the Texas Department on Aging. Any meal served by a Title IIIC-funded agency to eligible persons and providing one-third of the Recommended Dietary Allowances, regardless of the funding source for that meal, will be reported for either United States Department of Agriculture cash or com-

modity assistance.

(j) United States Department of Agriculture direct reimbursement.

(1) United States Department of Agriculture cash distribution to meal providers will be based on a direct reimbursement for meals served. Annual settlements will be calculated at the final United States Department of Agriculture reimbursement rate times the total number of reported eligible meals served during the fiscal year.

(2) An alternative distribution method may be submitted by the area agency on aging for advance approval by the Texas Department on Aging. Approval will be based on whether those providers to receive a higher proportion of USDA cash meet the following criteria:

(A) a comparative assessment of needs shows that those providers have a significantly higher need for more meals;

(B) a comparison of local resources shows that those providers have relatively less resources;

(C) a comparison of unit costs shows that those providers are using limited resources effectively to serve more meals.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318759

Mary Sapp
Executive Director
Texas Department on
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Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 444-2727

Chapter 269. Health Standards Statutes and Regulations

• 40 TAC §§269.1, 269.3, 269.5,
269.7

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department on Aging or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department on Aging proposes repeal of §§269.1, 269.3, 269.5, and 269.7, concerning the health services as authorized under the Older Americans Act, Title III, as amended. This repeal is required as the result of the publication of a new chapter deal-

ing with health services provided under the Older Americans Act.

Ann Ammons, Director of Field Operations, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Ammons also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be greater understanding of the processes required of area agencies on aging and nutrition service providers in providing nutrition services. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Request for public comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12788, Austin, Texas 78711.

The repeals are proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§269.1. Title III Health Services Standards.

§269.3. Health Screening.

§269.5. Physical Fitness.

§269.7. Adult Day Care.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 8, 1993.

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Aging

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For further information, please call: (512) 444-2727

◆ ◆ ◆ • 40 TAC §269.1

The Texas Department on Aging proposes new §269.1, concerning provision of health services as a service authorized under the Older Americans Act, Title III, as amended. This chapter establishes definitions, policies, and procedures to be followed when area agencies contract for this service or when they monitor this service to determine its effectiveness in promoting the health and independence of the elderly of Texas.

Ann Ammons, Director of Field Operations, Texas Department on Aging, has determined that for the first five-year period the section is in effect there will be no fiscal implications for

state or local government as a result of enforcing or administering the section.

Ms. Ammons also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be greater understanding of the processes required of area agencies on aging to assure proper components of this service are included in contract stipulations and that monitoring of contracting programs is based on clear requirements established by the department. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Request for public comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12788, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§269.1. Health Services Standards.

(a) Purpose. This chapter establishes policies and procedures to be followed when area agencies on aging foresee the need to contract for and oversee the delivery of health services authorized the elderly in their planning and service area by the Older Americans Act.

(b) Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Health screening/monitoring—Investigation or analysis by a health professional to determine the need for a health service, including routine testing for blood pressure, hearing, vision, diabetes, and anemia, or the periodic checking/monitoring of a known condition, such as monthly blood pressure checks for hypertension or hematocrit tests for anemia. This service should include appropriate referrals and follow-up when warranted. Health screening in senior centers and other public facilities is available to anyone 60 years of age and older.

(2) Health maintenance—The provision of services, drugs, and/or other equipment which will prevent, alleviate and/or cure the onset of acute and/or chronic illness, increase awareness of special health needs, and/or improve the emotional well-being of an older individual. Health maintenance or monitoring eligibility may be done on an individual basis by the case manager for those clients participating in the care management program. In most cases these clients will have completed the appropriate Texas Department on Aging intake forms.

(3) Health services—Any of an array of services authorized by the Older

Americans Act, the provision of which results in maintaining the health and independence of the elderly service recipient. Health services consist of the following:

(A) nutritional counseling and educational services for individuals and their primary caregivers;

(B) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction effects of alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

(C) programs related to physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multi-generational participation;

(D) home injury control services, including screening of high-risk home environments and provision of educational programs or injury prevention (including fall and fracture prevention) in the home environment;

(E) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

(F) educational programs or the availability; benefits and appropriate use of preventive health services covered under the Social Security Act, Title XVIII (42 United States Code 1395 et seq);

(G) medication management screening and education to prevent incorrect medication and adverse drug reactions;

(H) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, and Alzheimer's disease and related disorders with neurological and organic brain dysfunctions;

(I) gerontological counseling; and

(J) counseling regarding social services and follow-up health services based on any of the services described in this subparagraph and subparagraphs (A)-(I) of this paragraph.

(c) Unit of Service. The unit of service for health screening/monitoring or maintenance is one contact. Each participant receives a service, therefore, each participant is counted as one contact.

(d) Service Objective. The overall objective is to reduce death, disease, and disability. To reduce the prevalence of risks to health or to increase behaviors known to reduce such risks. To increase comprehensiveness, accessibility, and/or quality of preventative services and preventative interventions.

(e) Target group. These programs shall be provided for persons 60 years of age or older with priority given to meeting the needs of persons with the greatest economic or social needs.

(f) Service Activities.

(1) Health screening/monitoring is a process which has as its goal to identify people at risk and refer them to the appropriate follow-up services. This program can be provided in senior centers, nutrition sites, or in individual's homes, in some circumstances. Health screening may include, but is not limited to, the following:

- (A) blood pressure check;
- (B) hearing;
- (C) vision;
- (D) dental;
- (E) podiatry;
- (F) nutritional status;
- (G) urinalysis; and
- (H) blood tests.

(2) Health maintenance includes the provision of services by a health professional other than "health screening/monitoring," or "mental health" services, for example: dental treatment, health education, home health services (nursing, physical, speech, or occupational therapy), or the provisions of medications, glasses, dentures, or hearing aids. This can also include counseling in the issue areas such as gerontological, caregiver, social services, and nutrition.

(3) Physical fitness are activities which sustain and/or improve physical and mental health, and may include exercises to increase endurance (cardiovascular and muscular), strength, flexibility, balance, and/or coordination/agility.

(4) Health education is a course of instruction designed to provide partici-

pants with knowledge to assist in maintaining their health and a healthy environment. Health education will be provided to participants in the following manner.

(A) Service provider will assure that an annual schedule of health education services will address related health concerns.

(B) Service provider will consult persons specifically trained and competent in appropriate health-related fields in the planning and implementation of health education services.

(g) Service Outcomes. Service providers will ensure that their programs achieve the following outcomes.

(1) Services are designed to ensure appropriate screening and counseling to monitor health status that detect early signs of other health problems that can threaten independence such as depression, dementia, and other physical problems.

(2) Planned programs meet the demonstrated needs of the population.

(3) Service providers involve minority elders and staff in planning programs, including choosing the sites and materials.

(4) Programs involve family members or family support whenever possible.

(5) Staff will have sufficient training to provide quality programs.

(h) Service Provider Eligibility.

(1) The service provider must comply with all provisions of federal laws and regulations, applicable statutes, and any subsequent additions, deletions, and amendments to these rules.

(2) Any service provider that performs laboratory type tests must conform to the Clinical Laboratory Improvement Amendments of 1988 which extended federal regulatory authority to facilities of all sizes which test human specimens.

(3) Health screening/monitoring or health maintenance services can purchase policies and procedures are specified in §255.38 of this title (relating to Funding Allocation Formula for Title III Programs and Area Agencies on Aging) and §255.40 of this title (relating to Direct Purchase of Services (DPS) Program for Area Agencies on Aging).

(i) Service Provider Requirements.

(1) Service providers will refer and/or coordinate with local public and/or private health centers, which could include, but not be limited to, community health centers, regional and/or local health depart-

ments, hospitals and voluntary health associations, and primary physicians.

(2) Service providers will publicize the availability of health screening.

(3) Providers of health maintenance/monitoring will utilize an annual assessment procedure that shall contain at a minimum questions about the following: use of medications, diet, alcohol, smoking, depression, confusion, sleeping patterns, last pap or prostate test, last tetanus shot, and medical history related to heart disease and diabetes.

(4) The service provider will provide follow-up health counseling and referral as a component of all screening activities, to do this effectively, the provider should provide information about the resources available for follow-up services and make a record of screening and follow-up education available to the client.

(5) Providers of physical fitness will assure that:

(A) each participant be educated to the purpose and results of proper exercise, including group exercise that can be done at home;

(B) large areas of space are required that insure ample room to extend arms and provide for the maximum safety of the participants; and

(C) each participant must sign a release for excusing both the instructor and the facility from any personal liability.

(j) Staffing.

(1) The service provider will utilize persons who are trained or are in training and/or supervised appropriately for the test(s) they administer. The results, however, will be interpreted by an appropriate health professional. Staffing may be paid or volunteer.

(2) Staff training will be obtained through one or more of the following:

(A) physical fitness instructor;

(B) Texas Department on Aging;

(C) films and/or books; and

(D) seminars from colleges or qualified agency.

(3) Each instructor will have current CPR training.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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Texas Department on
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For further information, please call: (512) 444-2727

Chapter 276. Guidelines for Residential Repair

Statutes and Regulations

- 40 TAC §§276.1, 276.3, 276.5, 276.9, 276.11, 276.13, 276.15, 276.17

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department on Aging or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department on Aging proposes the repeal of Chapter 276, Guidelines for Residential Repair concerning services as authorized under the Older Americans Act, Title III, as amended. This repeal is required as the result of the publication of a new chapter dealing with residential repair services provided under the Older Americans Act.

Ann Ammons, Director of Field Operations, has determined that for the first five years this repeal is in effect, there will not be fiscal implications as a result of enforcing or administering this repeal.

Ann Ammons, Director of Field Operations, Texas Department on Aging, has determined that for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of enforcing the chapter will be greater understanding of the processes required of area agencies on aging and service providers in providing residential repair services.

The anticipated economic cost to persons who are required to comply with the chapter will be none.

Request for public comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The repeal is proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§276.1. Definitions.

§276.3. Guidelines Objective.

§276.5. Preferred Target Group.

§276.9. Policy on Rental Units.

§276.11. Service Activities.

§276.13. Delivery Characteristics.

§276.15. Prohibited Service.

§276.17. Administrative Requirements.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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• 40 TAC §276.1

The Texas Department on Aging proposes a new chapter concerning guidelines for residential repair as a service authorized under the Older Americans Act, Title III, as amended. This chapter establishes definitions, policies and procedures to be followed when area agencies contract for this service or when they monitor this service to determine its effectiveness in promoting the health and independence of the elderly of Texas.

Ann Ammons, Director of Field Operations, Texas Department on Aging, has determined that for each year of the first five years the section as proposed in effect, the public benefits anticipated as a result of enforcing the section as proposed will be greater understanding of the processes required of area agencies on aging to assure proper components of this service are included in contract stipulations and that monitoring of contracting programs is based on clear requirements established by the department.

The anticipated economic cost to persons who are required to comply with the section as proposed will be none.

Request for public comments on the proposal may be submitted to Ann Ammons, Director of Field Operations, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, §101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§276.1. Guidelines for Residential Repair.

(a) Purpose. This chapter establishes policies and procedures to be followed when area agencies on aging foresee the need to provide residential repair services to the elderly in their planning and service area.

(b) Residential repair service. The residential repair service consists of repairs or modifications of client-occupied dwellings which are essential for the health and safety of the occupants. This also includes providing limited housing counseling and moving expenses where repairs or modifications will not attain reasonable standards of health and safety.

(c) Unit of service. A unit of service of residential repair is one unduplicated dwelling unit repaired occupied by an elderly (60 plus) head of household. It may include all the labor, material and service committed to repairing/modifying one unit in one program year.

(d) Service objective. The essential purpose of residential repair is to upgrade the condition of an older person's residence which will improve its energy efficiency, structural integrity, health and safety environment, and maintain older adults independently in their homes to prevent premature institutionalization. The intent of these instructions is to provide guidance for effective usage of Title III funds for residential repair. The guidelines will allow flexibility in the implementation of a program at the local level.

(e) Target Group. The preferred target population for residential repair are persons 60 years of age or older with the greatest economic and social need, i.e., low income, minority, living alone, frail, and/or disabled. Special consideration should be given to those identified through case management, including homemaker, home health, and other in-home service providers.

(f) Limitation on Amount Per Unit. No repair modification may exceed \$700 from Title III funds per household per program year; however, this monetary limit excludes related transportation and administrative cost and therefore includes only the cost of labor, material and other direct cost necessary to accomplish the service. The Area Agency on Aging may grant exceptions to the limit when no other resource exists for a client having a home repair need that is unusual and critical to the clients health and safety.

(g) Policy on Rental Units. It is the option of the area agency to decide to perform residential repair service on rental homes occupied by eligible clients who are the primary resident. If work is performed on rental units, the residential repair service providers must obtain a signed agreement from the landlord authorizing the repairs and stating that the tenant will not be

evicted within one year without substantial cause and that the rent will not be raised due to the increased value of the unit as a result of the repairs.

(h) **Service Activities.** These guidelines are not intended to require that the total structure meet local minimum property standards or codes; however, the individual repair and/or modifications should be of quality workmanship. All plumbing and electrical work must meet local existing property standards and codes. Allowable repairs are described below.

(1) **Structural.** This includes any repairs to the structure itself considered necessary to the health and safety of the client. Examples are repair to the ceiling, walls, floors, doors, and windows.

(2) **Accessibility modifications.** This includes structural adaptations which meet the needs of elderly disabled persons. Examples are installation of a stair lift or ramp; modifying appliance and electrical controls for easier manipulation; widening and installation of doorways, repair and replacement of and/or installation of handrails or grab bars.

(3) **Electrical.** This includes replacement of unsafe or defective wiring; installation, repair, or replacement of essential appliances and replacement of light switches. (Essential appliances are defined as those appliances necessary to sustain a healthful environment such as, but not limited to, refrigeration, heating, cooking and cooling. Purchase of appliances requires area agency on aging approval.)

(4) **Plumbing.** This includes replacement, repair, or installation of essential plumbing fixtures such as bathtub, showers, kitchen and bathroom sinks, toilet, water heater, septic tank, drain field or well. (Fees for water and electrical meter connection require area agency on aging approval.)

(5) **Weatherization.** This includes repairs, and/or modification or purchase of supplies that protect the home or its occupants from the effect of weather, conserve energy, or provide alternative energy sources to heat or cool a dwelling. Examples are providing and installing storm windows, insulation, servicing heating systems, roof repair and maintenance and mobile home skirts.

(6) **Safety and security modification.** These include measures which prevent accidents, fires or intrusion into a dwelling. Examples are installing secure door and window locks, addition of exterior flood lights or lights along access walks, and installing smoke detectors, fire escapes or alarm systems.

(7) **Housing counseling.** This includes advice or printed material provided to elderly homeowners to assist them in

improving or financing their homes, dealing with financial matters related to housing and dealing with landlord and utilities.

(8) **Yard work and home maintenance.** These include tasks that an individual can no longer perform and which help maintain the health and safety of the client. Some examples are the repair or removal of safety hazards in the yard, such as faulty septic tanks, drain fields, open wells, faulty utility lines, maintenance of walkways, replacement of window panes, fuses and electric plugs, and non-expert insect and rodent control.

(i) **Service location.** Residential repair services will be performed on domiciles as identified in §276.5 of this title (relating to Preferred Target Group).

(j) **Access to service.** Services may be acquired by contacting the local area agency on aging.

(k) **Delivery characteristics.** The following activities must be accomplished to certify the delivery of services.

(1) **Intake.** A client intake must be completed to determine that the individual is eligible for the service prior to service delivery.

(2) **Evaluation.** An on-site evaluation of the home will be performed and a written service agreement will be developed with the client advising of the work to be performed prior to service delivery.

(3) **Work Plan.** A scheduled work plan will be developed and implemented.

(4) **Certification.** After completion, the client will sign an statement certifying that the work was satisfactory.

(l) **Prohibited service.** The following activities will not be permitted:

(1) **rental units.** Services on rental units without prior approval of the area agency on aging (see §276.9 (of this title relating to Policy on Rental Units);

(2) **major repairs.** Major repair of houses and/or furnishing such as replacement of roof, floors, and foundations;

(3) **outbuildings.** Construction, repair, or maintenance of outbuildings such as garages, carports, animal shelters, or greenhouses;

(4) **nonessentials.** Installation, repair, or maintenance on nonessential appliances, decorative light fixtures or television sets; and

(5) **beautification.** Beautification of property or activities which are strictly for cosmetic purposes, such as: landscaping, planting a garden, purchasing of garden equipment, complete paint job, ornamental shutters or trim, fancy porch supports, car-

peting, patio, and/or mending of fences unless essential to the client's safety.

(m) **Administrative Requirements.** The provider agency shall have the legal authority to operate in conformity with federal, state, and local law and will maintain a file that includes the following on each client receiving residential repair service:

(1) **intake.** At minimum, showing clients name, address (location of home), number of elderly persons (60+) living in the home;

(2) **needs assessment.** Written documentation of the need for service provided;

(3) **service agreement.** Copy of service agreement that lists the repair activities performed and the total cost, updated as may be required;

(4) **receipts.** Copies of receipts for all material paid for by the client (copies will be furnished by the client);

(5) **approval.** Written approval by the client or landlord of the client for the minor repair;

(6) **code compliance.** Conformance with all existing and appropriate codes for plumbing and electrical repairs;

(7) **coordination.** The provider agency will coordinate with all existing programs that provide funds for residential repair, renovation, and weatherization.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318733

Mary Sapp
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 444-2727

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**Part XVI. Interagency
Council on Sex
Offender Treatment**
**Chapter 510. Sex Offender
Treatment Provider Registry**

• **40 TAC §510.2, §510.3**

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Interagency Council on Sex Offender Treatment or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Interagency Council on Sex Offender Treatment proposes the repeal of §510.2 and §510.3, concerning the Sex Offender Treatment Provider Registry.

The Council is repealing these rules to replace them with new sections which define new application and renewal fees.

Eliza May, MSSW, CSW, Executive Director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. May also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be none. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Eliza May, MSSW, CSW, Executive Director, Interagency Council on Sex Offender Treatment, P.O. Box 12546, Austin, Texas 78711-2546.

The repeals are proposed under Texas Civil Statutes, Article 4413(51), §13 and §15, which provide the Interagency Council on Sex Offender Treatment with the authority to set reasonable fees for registration.

§510.2. Registry Criteria.

§510.3. Registry Renewal.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 10, 1993.

TRD-9318853

Eliza May, MSSW, CSW
Executive Director
Interagency Council on
Sex Offender Treatment

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 454-1314



The Interagency Council on Sex Offender Treatment proposes new §510.2 and §510.3, concerning the Sex Offender Treatment Provider Registry.

The Council is proposing new rules concerning fees paid by Registered Sex Offender Treatment Providers.

Eliza May, MSSW, CSW, Executive Director, has determined that for the first five-year period the sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections will be that in 1993-1997 revenue will increase by amounts paid by providers (\$100 application fee and \$50 renewal fee).

Ms. May also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be none. The cost of compliance with the section for small businesses will be minimal. Possibly affected small counseling offices will pay \$100 application fee per provider and \$50 renewal fee per provider. Cost is the same for small and large businesses. The possible economic cost to persons who are required to comply with the sections as proposed will be \$100 application fee and/or \$50 renewal fee in 1993-1997.

Comments on the proposal may be submitted to Eliza May, MSSW, CSW, Executive Director, Interagency Council on Sex Offender Treatment, P.O. Box 12546, Austin, Texas 78711-2546.

The new sections are proposed under Texas Civil Statutes, Article 4413(51), §13 and §15, which provide the Interagency Council on Sex Offender Treatment with the authority to set reasonable fees for registration.

§510.2. Registry Criteria. In order to be listed in the Registry as a Registered Sex Offender Treatment Provider, the following criteria must be met:

(1) applicant must be a treatment provider as defined in §510.1(d) of this title (relating to Definitions);

(2) applicant must meet the following criteria;

(A) minimum of one year clinical experience during which applicant

was personally involved in the direct delivery of sex offender rehabilitation service; such experience need not be full-time in sex offender rehabilitation service;

(B) training in the specific area of sex offender rehabilitation service in the following amounts: 40 hours or more after March 31, 1993;

(3) applicant must submit a complete and accurate description of his treatment program on the form prescribed by the Council;

(4) applicant must not have been convicted of any felony or a misdemeanor involving sexual misconduct;

(5) applicant must submit a fee of \$100, which will not be refunded if the application is denied;

(6) the application must be sworn to before a Notary Public.

§510.3. Registry Renewal. In order to maintain status on the Registry, the Sex Offender Treatment Provider must:

(1) complete and provide the Council with proof of training in the specific area of sex offender rehabilitation service in compliance with §510. 2 of this title (relating to Registry Criteria);

(2) submit a renewal fee of \$50 annually.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on February 10, 1993.

TRD-9318852

Eliza May, MSSW, CSW
Executive Director
Interagency Council on
Sex Offender Treatment

Earliest possible date of adoption: March 19, 1993

For further information, please call: (512) 454-1314



Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 22. EXAMINING BOARDS

Part XIII. Texas Board of Licensure for Nursing Home Administrators

Chapter 253. Public Comment

- 22 TAC §253.1, §253.2

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91.24(b), the proposed new §253.1 and §253.2, submitted by the Texas Board of Licensure for Nursing Home Administrators has been automatically withdrawn, effective February 9, 1993. The new §253.1 and §253.2 as proposed appeared in the August 7, 1992 issue of the *Texas Register* (17 TexReg 5505).

TRD-9318779



TITLE 31. NATURAL RE- SOURCES AND CON- SERVATION

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

Subchapter D. Amendments, Renewals, Transfers, Correc- tions, Revocation and Sus- pension of Permits

- 31 TAC §305.69, §305.70

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed new and amended §305.69 and §305.70 which appeared in the February 9, 1993 issue of the *Texas Register* (18 TexReg 802). The effective date of this withdrawal is February 11, 1993.

Issued in Austin, Texas, on February 8, 1993.

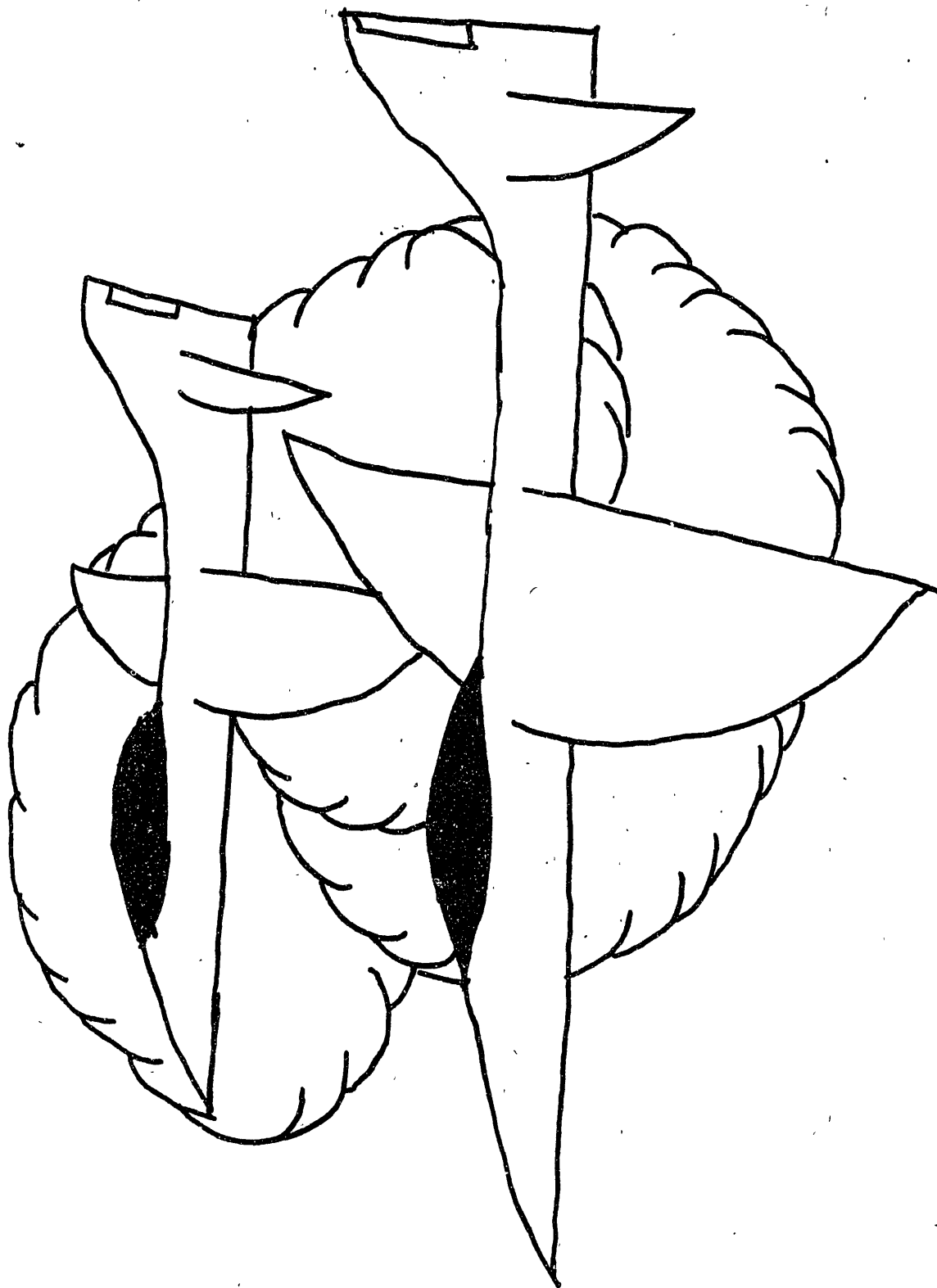
TRD-9318770

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: February 11, 1993

For further information, please call: (512)
463-8069





Name: Derrek LaBrosse
Grade: 4
School: Sundown Elementary, Katy ISD

Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 290. Water Hygiene

Rules and Regulations for Public Water Systems

• 31 TAC §290.50

The Texas Water Commission (TWC) adopts new §290.50, concerning laboratory analyses, with changes to the proposed text as published in the November 3, 1992, issue of the *Texas Register* (17 TexReg 7754).

Senate Bill 2, First Called Session, 72nd Legislature, transferred all the powers, duties, rights and obligations of the Texas Department of Health (TDH) pertaining to the setting of sanitary standards for drinking water, the protection of public water supplies and bodies of water, the regulation of on-site sewage disposal systems, the administration of on-site wastewater treatment research, and the disposal of radioactive substances to the TWC effective March 1, 1992.

The commission is adopting new §290.50 in order to set forth the requirements for laboratory analyses regarding drinking water systems. The new section establishes the Texas Department of Health (TDH), Bureau of Laboratories, as the state certified laboratory for public drinking water system monitoring. It also specifies the applicable analytical methods to be used as established by the Environmental Protection Agency and incorporates by reference the federal regulations setting forth those methods.

The commission received one comment concerning §290.50 as proposed. The commenter suggested that the language in proposed §290.50(a) is too restrictive and that the language should be changed in order to clarify that analyses taken as part of the routine operation of a water system may be run in the plant or local laboratory. The commission agrees with this suggestion and has changed the language in §290.50(a) accordingly. In addition, the commission has corrected a typographical error in subsection (b) and has changed the title of the section from "Laboratory Analysis" to "Laboratory Analyses."

The new section is adopted under Senate Bill 2, First Called Session, 72nd Legislature, which transferred all the powers, duties, rights and obligations of the TDH pertaining to the setting of sanitary standards for drinking water, the protection of public water supplies and bodies of water, the regulation of on-site sewage disposal systems, the administration of on-site wastewater treatment research and the disposal of radioactive substances to the TWC, and under the Texas Water Code, §5.103, which authorizes the TWC to adopt any rules necessary to carry out its powers, duties, and policies.

§290.50. Laboratory Analyses.

(a) All samples used to determine compliance with the rules of the Texas Water Commission for chemical, radiological, or bacteriological analyses must be submitted to a laboratory approved by the Texas Department of Health. Non-compliance tests, such as control tests taken to operate the system, may be run in the plant or local laboratory.

(b) Methods of analysis shall be as specified in 40 Code of Federal Regulations §141.21(f) (microbiological), §141.22(a) (turbidity), §141.23(f) (inorganics), §141.24(e), (f), and (g) (organics) and §141.25 (radionuclides) of the National Primary Drinking Water Regulations, or by any alternative analytical technique as specified by the Department and approved by the Administrator under 40 Code of Federal Regulations §141.27.

(c) The Commission adopts by reference the Federal Regulations referred to in subsection (b) of this section.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318766 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: March 1, 1993

Proposal publication date: November 3, 1992

For further information, please call: (512) 463-8069

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self-Support Services

Eligibility Determination

The Texas Department of Human Services (DHS) adopts amendments to §10.1009 and §10.3464, concerning determination and re-determination of income eligibility for child care and development block grant funded child care in its Family Self-Support Services Chapter, without changes to the proposed text as published in the January 5, 1993, issue of the *Texas Register* (18 TexReg 112).

The justification for the amendments is to increase access to child care services for teen parents who need child care in order to complete high school.

The amendments will function by allowing more teen parents to receive child care services while finishing high school.

No comments were received regarding adoption of the amendments.

• 40 TAC §10.1009

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 44, which authorizes the department to administer public assistance and day care programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 10, 1993.

TRD-9318847 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1993

Proposal publication date: January 5, 1993

For further information, please call: (512) 450-3765

Child Care Management Services Statewide Implementation

• 40 TAC §10.3464

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 44, which authorizes the department to administer public assistance and day care programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 10, 1993.

TRD-9318848

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: April 1, 1993

Proposal publication date: January 5, 1993

For further information, please call: (512) 450-3765

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Chapter 29. Purchased Health Services

Subchapter L. General Administration

• 40 TAC §29.1126

The Texas Department of Human Services (DHS) adopts an amendment to §29.1126, concerning in-home total parenteral hyperalimentation services, without changes to the proposed text as published in the September 25, 1992, issue of the *Texas Register* (17 TexReg 6593).

The justification for the amendment is to allow DHS to adjust the allowable fees or rates each state fiscal year by applying the projected rate of change of the implicit price deflator for personal consumption expenditures.

The amendment will function by allowing DHS to adjust the allowable fees or rates each state fiscal year.

During the public hearing held October 15, 1992, DHS received comments from an individual representing the Alamo Home Health Council and Sunbelt PharmaCare. A summary of the comments and DHS's response follows.

COMMENT: The commenter suggested that DHS consider changing to the Medicare reimbursement methodology for this service.

RESPONSE: During the process of implementing coverage for in-home total parenteral hyperalimentation services, DHS worked with services providers to determine a reasonable and equitable reimbursement rate to cover

total parenteral hyperalimentation requirements. At this time, DHS is amending the rule to take into account the increase in inflation since the program was initially implemented. In making the adjustment, DHS used the physician prior-approved package of service reimbursement approach to control costs. The amendment as proposed simply adds a reference to the use of an inflation index to adjust the maximum yearly fee. Because the commenter's concerns are beyond the scope of and do not relate directly to the proposal, DHS is not addressing the commenter's suggestion at this time and is adopting the amendment without changes.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318776

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: March 1, 1993

Proposal publication date: September 25, 1993

For further information, please call: (512) 450-3765

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Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

Emergency meetings and agendas. Any of the governmental entities named above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

Texas Air Control Board

Friday, February 19, 1993, 11:30 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the agenda summary, the committee will consider and act on the purchase of two file servers to upgrade the existing computer network in order to correct stability problems.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 10, 1993, 3:54 p.m.

TRD-9318880

Friday, February 19, 1993, 1 p.m. The Texas Air Control Board will meet at Park 35 Technology Center, 12118 North IH-35, Room 201S, Austin. According to the agenda summary, the board will consider and act on purchase of equipment: calibration gas dilution system and two file servers to upgrade the existing computer network in order to correct stability problems.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: February 10, 1993, 3:54 p.m.

TRD-9318881

Texas Bond Review Board

Thursday, February 18, 1993, 10 a.m. The Texas Bond Review Board will meet at the Clements Building, Committee Room Number Three, Fifth Floor, 300 West 15th Street, Austin. According to the agenda

summary, the board will call the meeting to order; discuss approval of minutes; consider proposed issues; discuss other business; and adjourn.

Contact: Jim Thomassen, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: February 10, 1993, 4:04 p.m.

TRD-9318883

Texas Board of Chiropractic Examiners

Thursday, February 18, 1993, 10 a.m. The Texas Board of Chiropractic Examiners will meet at 8716 MOPAC Expressway North, Suite 301, Austin. According to the agenda summary, the board will consider, discuss, take appropriate action and/or approve election of officers; minutes of November 10, 1992; hear presentation by D. Jerry Gholson, D.C.; executive director's report; designate board representative to national conference; select board C.E. topic, delegate and/or select presenter, and disposition of costs and/or expenses incurred; requested special dispensation from C.E. requirement; consider and discuss written/verbal comments from February 12, 1993, public hearing on proposed rule changes on §§73.2, 74.1, 75.1, 75.2-75.4, 75.6, 75.7, 76.1, 77.3, 77.5, 78.1, 79.1-79.2, 80.1, 80.4-80.6, 80.8, and 80.9; board committee reports: enforcement committee; exam committee; peer review committee; sunset committee; and guidelines committee; and meet in executive session-the board may meet from time to time to consult with its counsel in executive session with respect to matters authorized by §2(e).

Contact: Patte B. Kent, 8716 MOPAC Expressway North, Suite 301, Austin, Texas 78759, (512) 343-1895.

Filed: February 10, 1993, 9:55 a.m.

TRD-9318859

Department of Criminal Justice

Thursday-Friday, February 18-19, 1993, 8:30 a.m. The Board of Criminal Justice of the Department of Criminal Justice will meet at the Inn on Lake Travis, 1900 American Drive, Lago Vista. According to the agenda summary, on Thursday, the board will call the meeting to order; hear presentations on future prison populations and sentencing proposals; presentations by panels representing mayors, police and sheriff's departments, prosecutors, judiciary, defense attorneys, and victims groups; discuss parole sanctions available to include revocation process; new case manager system; unmet information needs, and dealing with parolee's greatest need-getting and maintaining a job; and adjourn. On Friday, the board will reconvene; discuss unit program advisory groups; Windham School System; discuss pending legislation: the agency's information system; managed health care; presentations on overview of community corrections; pretrial services, residential services, and special programs/alternative sanctions; and adjourn.

Contact: Susan Power-McHenry, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: February 10, 1993, 3:58 p.m.

TRD-9318882

Texas Ethics Commission

Thursday, February 18, 1993, 9:30 a.m. The Texas Ethics Commission will meet at 1101 Camino La Costa, Room 235, Austin. According to the agenda summary, the commission will take roll call; hear comments from commissioners and executive director; communication from public; discuss approval of minutes; discuss and possibly act regarding requests for waiver of fines; agency publications; budgetary matters; adoption of permanent rules-Chapter 10 §10.313, proposed new rules relating to Government Code 305, Article 6252-9b, §§20.111-20.161 and Title 15, revisions to adopted Rule §40.5, and Rule §8.1, Legislative Per Diem; and AOR's 94, 105, 133, 141, 143, 127, 131, 134, 140, 112, 152, 108, 144, 101, 137; 138, 151, 115, and 145. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Margie Castellanos at (512) 463-5800 or (800) 325-8506 at least two days before this meeting so that appropriate arrangements can be made. Please also contact Ms. Castellanos if you need assistance in having English translated into Spanish.

Contact: John Steiner, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5800.

Filed: February 10, 1993, 3:31 p.m.

TRD-9318879

General Land Office

Friday, February 19, 1993, 3 p.m. The Veterans Land Board of the General Land Office will meet at the Stephen F. Austin Building, Room 831, Austin. According to the agenda summary, the board will discuss approval of the January 13, 1993 minutes; consider approving form of Notice of Bondholders and form of Published Notice relating to Veterans Bonds, Series 1984, 1984B and 1985; consider declaration to proceed amending the resolutions and establishing a record date; request of Robert Ingram to resume selling tracts in the Veterans Land Program; offer submitted on Tract 2458 (Type II), Liberty County; and forfeiture action on delinquent land accounts.

Contact: Mae Vrazel, 17th and Congress Avenue, Austin, Texas 78701, (512) 463-5340.

Filed: February 9, 1993, 2:01 p.m.

TRD-9318806

Office of the Governor

Tuesday, February 9, 1993, 1 p.m. The Automobile Theft Prevention Authority of the Office of the Governor held an emer-

gency meeting at the Wyndham Hotel, Room "Wyndham E", 4140 Governor's Row, Austin. According to the complete agenda, the authority called the meeting to order; made introductions; discussed approval of the adoption of assessment form and instructions as proposed in the *Texas Register*; and adjourned. The emergency status was necessary as board approval was needed to adopt assessment form which was needed as soon as possible in order to begin to collect funds for the year.

Contact: Linda Young, 221 East 11th Street, Austin, Texas 78701, (512) 463-1919.

Filed: February 9, 1993, 10:22 a.m.

TRD-9318798

Texas Historical Commission

Wednesday, February 17, 1993, 10 a.m. The Advisory Board of the Texas Historical Commission will meet at the Texas Historical Commission, Elrose Building, First Floor Library, Austin. According to the complete agenda, the board will make reappointments to the Advisory Board; discuss Texas' Ten Most Endangered Historic Properties 1993; legislative update; and plan future activities of the Advisory Board.

Contact: Stan Graves, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: February 9, 1993, 4:07 p.m.

TRD-9318843

Texas Department of Housing and Community Affairs

Wednesday, February 17, 1993, 2 p.m. The Program Committee of the Board of Directors of the Texas Department of Housing and Community Affairs will meet at 811 Barton Springs Road, Suite 300, Austin. According to the agenda summary, the committee will consider and possibly act upon the following items: hear public comment; make recommendations concerning HOME Program Funds for Applications I and II; recommendations concerning Issuance of Multifamily Revenue Bonds Colorado Club and Remington Hill/High Point; update on eligibility criteria and loan amounts for down payment assistance program; update report on multifamily refunding policies; and adjourn. Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1 (800) 735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3937.

Filed: February 9, 1993, 4:06 p.m.

TRD-9318842

Thursday, February 18, 1993, 8 a.m. The Ad Hoc Low Income Housing Tax Credit Committee of the Board of Directors of the Texas Department of Housing and Community Affairs will meet at 811 Barton Springs Road, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; certification of quorum; hear public comment; discuss recommendation concerning Revisions to Low Income Housing Tax Credit Rules for publication in the *Texas Register*; and adjourn. Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1 (800) 735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3937.

Filed: February 9, 1993, 4:06 p.m.

TRD-9318841

Thursday, February 18, 1993, 10 a.m. The Board of Directors of the Texas Department of Housing and Community Affairs will meet at 811 Barton Springs Road, Suite 300, Austin. According to the agenda summary, the board will review and discuss Fiscal Year 1993 internal audit plan; HOME Program Funds for Applications II and III; revisions to eligibility criteria and loan amounts for down payment assistance program; issuance of multi-family refunding revenue bonds-Colorado Club and Remington Hill/High Point; RFP for bond counsel-status report; proposed rule revisions for low income housing tax credit program; RFP for capacity building; updates on various programs; and meet in executive session pursuant to Article 6252-17, Sections 2(e) and (g). Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1 (800) 735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3937.

Filed: February 9, 1993, 4:05 p.m.

TRD-9318840

Thursday, February 18, 1993, 10 a.m. (Revised agenda). The Board of Directors of the Texas Department of Housing

and Community Affairs will meet at 811 Barton Springs Road, Suite 300, Austin. According to the complete revised agenda, the board will consider and possibly act on designation of additional officers of the board including assistant secretaries. Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1 (800) 735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3937.

Filed: February 10, 1993, 4:17 p.m.

TRD-9218888

◆ ◆ ◆
Texas Department of Insurance

Thursday, March 4, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 100, 333 Guadalupe Street, Austin. According to the complete agenda, the board will hold a public hearing in Docket Number 1978 to consider the appeal from Commissioner's Orders Number 92-1085 and 92-1247 concerning Ronnie D. Clayton.

Contact: Angelina Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: February 10, 1993, 1:26 p.m.

TRD-9318869

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Texas Council on Offenders with Mental Impairments

Thursday, February 25, 1993, 10 a.m. The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at the TDCJ, Pardons and Paroles Division, Council's Office, 8610 Shoal Creek Boulevard, Austin. According to the complete agenda, the committee will call the meeting to order; make introductions; hear public comments; discuss committees; hear committee reports; executive director's report; and adjourn.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5406.

Filed: February 9, 1993, 3:34 p.m.

TRD-9318837

Texas Department of Mental Health and Mental Retardation

Monday, February 22, 1993, 6 p.m. The Fort Worth State School Alternative Use Committee of the Texas Department of Mental Health and Mental Retardation will meet at 5301 Campus Drive (TCJC), Student Center, Second Floor, Fort Worth. According to the complete agenda, the committee will hear chairman's report; resource connection progress report; committee discussion; consider a recommendation to the TXMHMR Board; and adjourn.

Contact: Steve Craddock, 909 West 45th Street, Austin, Texas 78751, (512) 465-4579.

Filed: February 9, 1993, 3:47 p.m.

TRD-9318839

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Midwestern State University

Thursday, February 11, 1993, 3 p.m. The Executive Committee of the Board of Regents of Midwestern State University held an emergency meeting at Midwestern State University, Harding Board Room, Wichita Falls. According to the complete agenda, the committee made recommendations for consideration concerning the appointment of the MSU President 1993-1994; discussed master plan for Clark Student Center, Killingsworth and Pierce Halls/renovation; McCullough-Trigg Hall; liability insurance and consolidation of university insurance policies. The emergency status was necessary as the meeting had to held at this particular time to ensure a quorum of the Board was available to conduct business of the university.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: February 10, 1993, 10:39 a.m.

TRD-9318860

Thursday, February 11, 1993, 3:30 p.m. The Finance and Audit Committee of the Board of Regents of Midwestern State University held an emergency meeting at Midwestern State University, Harding Board Room, Wichita Falls. According to the complete agenda, the committee presented information concerning implementation of the Uniform Statewide Accounting System (USAS); recommendations for consideration were made concerning Information Systems Contract-programming services and bond advisors; and items \$15,000 and under were approved by the President were presented for ratification by the board. The emergency status was necessary as the meeting had to held at this particular time to ensure a quorum of the Board was available to conduct business of the university.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: February 10, 1993, 10:40 a.m.

TRD-9318861

Thursday, February 11, 1993, 4 p.m. The Personnel and Curriculum Committee of the Board of Regents of Midwestern State University held an emergency meeting at Midwestern State University, Harding Board Room, Wichita Falls. According to the complete agenda, the committee enrollment report and small class report for Spring 1993 were presented as information only as will last day enrollment report for the Fall 1992 semester; selection of new division directors were also presented as information; recommendations were made concerning position changes in the Fiscal Year 1992-1993 Budget; reinstatement of graduate counseling program in Division of Education; faculty moving to non-tenure track status; new positions in business affairs and post office and policy manual revisions (faculty workload, adjunct faculty and summer camps and conferences). The emergency status was necessary as the meeting had to held at this particular time to ensure a quorum of the Board was available to conduct business of the university.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: February 10, 1993, 10:40 a.m.

TRD-9318862

Thursday, February 11, 1993, 4:30 p.m. The Student Services Committee of the Board of Regents of Midwestern State University held an emergency meeting at Midwestern State University, Harding Board Room, Wichita Falls. According to the complete agenda, the committee presented information concerning housing at MSU; and consideration for recommendations were made concerning room and board rates for summer 1993 and Fiscal Year 1993-1994. The emergency status was necessary as the meeting had to held at this particular time to ensure a quorum of the Board was available to conduct business of the university.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: February 10, 1993, 10:40 a.m.

TRD-9318863

Thursday, February 11, 1993, 4:45 p.m. The University Development Committee of the Board of Regents of Midwestern State University held an emergency meeting at Midwestern State University, Harding Board Room, Wichita Falls. According to the complete agenda, the committee pres-

ented for information only a summary of gifts; grants and pledges received September 1, 1992-January 21, 1993; and a resolution of appreciation to Minnie Rhea Wood will be presented for inclusion in the minutes of this meeting. The emergency status was necessary as the meeting had to held at this particular time to ensure a quorum of the Board was available to conduct business of the university.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: February 10, 1993, 10:40 a.m.

TRD-9318864

Thursday, February 11, 1993, 5 p.m. The Athletics Committee of the Board of Regents of Midwestern State University held an emergency meeting at Midwestern State University, Harding Board Room, Wichita Falls. According to the complete agenda, the committee presented information concerning athletics at MSU; and a recommendation was made concerning post-season expenses. The emergency status was necessary as the meeting had to held at this particular time to ensure a quorum of the Board was available to conduct business of the university.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: February 10, 1993, 10:40 a.m.

TRD-9318865

Friday, February 12, 1993, 9 a.m. The Board of Regents of Midwestern State University held an emergency meeting at Midwestern State University, Harding Board Room, Wichita Falls. According to the agenda summary, the board was asked to approve minutes of prior meetings and accept financial reports (October, November and December 1992); recommendations for consideration were made through the executive, finance, personnel and curriculum, student services, university development and athletics committees; and a report was presented by the president. The MSU Board of Regents reserved the right to discuss any items in executive session whenever legally justified under the Texas Open Meetings Act. The emergency status was necessary as the meeting had to be held at this particular time to ensure a quorum of the Board was available to conduct business of the university.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: February 10, 1993, 10:41 a.m.

TRD-9318866

Texas Board of Licensure for Nursing Home Admin- istrators

Monday, February 22, 1993, 1 p.m. The Advisory Committee to the Board of the Texas Board of Licensure for Nursing Home Administrators will meet at 1100 West 49th Street, G-107, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; discuss approval of agenda; minutes approval for January 8, 1993; review investigative and disciplinary process; review and discuss comments on the proposed rule to increase continuing education hours; and adjourn.

Contact: Janet Lacy, 4800 North Lamar Boulevard, Suite 310, Austin, Texas 78756, (512) 458-1955.

Filed: February 9, 1993, 3:34 p.m.

TRD-9318836

Texas State Board of Podia- try Examiners

Thursday-Friday, February 18-19, 1993, noon and 8 a.m. respectively. (Rescheduled from Thursday, February 18, 1993, 2 p.m. The Texas State Board of Podiatry Examiners will meet at the Holiday Inn Northwest Plaza, 8901 Business Park Drive, Austin. According to the complete revised agenda, the board meeting time was changed.

Contact: Janie Alonzo, 3420 Executive Center Drive, Suite 305, Austin, Texas 78731, (512) 794-0145.

Filed: February 10, 1993, 11:51 a.m.

TRD-9318867

Public Utility Commission of Texas

Monday, February 22, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11747-joint application of Clear Lake Cogeneration Limited Partnership and Houston Lighting and Power Company for certification of cogeneration agreement.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 10, 1993, 3:10 p.m.

TRD-9318878

Tuesday, March 23, 1993, 10 a.m. (Rescheduled from Monday, February 22,

1993, 10 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11513-petition of Dickens Electric Cooperative, Inc. for modification of load retention rate.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 9, 1993, 2:54 p.m.

TRD-9318830

Texas National Research Laboratory Commission

Wednesday, February 17, 1993, 11 a.m. The Site Acquisition and Development Committee of the Texas National Research Laboratory Commission will meet at the SSC Central Facility, Project Management Conference Room (J. Rees Office), 2275 North Highway 77, Waxahachie. According to the agenda summary, the committee will call the meeting to order; take roll call of members; hear staff reports; public comment; and adjourn.

Contact: Karen L. Chrestay, 1801 North Hampton Road, #400, DeSoto, Texas 75165, (214) 709-3800.

Filed: February 9, 1993, 2:37 p.m.

TRD-9318826

Wednesday, February 17, 1993, 11 a.m. The Research and Education Committee of the Texas National Research Laboratory Commission will meet at the SSC Central Facility, Directorate Conference Room, 2275 North Highway 77, Waxahachie. According to the agenda summary, the committee will call the meeting to order; take roll call of members; action items: scope and timeline for commission's research and development programs; 1993 research awards; additional resolution for review panel member; hear public comment; and adjourn.

Contact: Karen L. Chrestay, 1801 North Hampton Road, #400, DeSoto, Texas 75165, (214) 709-3800.

Filed: February 9, 1993, 2:38 p.m.

TRD-9318827

Wednesday, February 17, 1993, 1 p.m. The Texas National Research Laboratory Commission will meet at the SSC Central Facility, Auditorium, 2275 North Highway 77, Waxahachie. According to the agenda summary, the committee will call the meeting to order; take roll call of members; hear chairman's report-Charles R. Perry; hear public comment; administrative reports-Edward C. Bingle; hear committee reports:

finance and audit committee-Jerome Johnson; research and education committee-Peter T. Flawn; and site acquisition and development committee-Kenneth A. McCrady.

Contact: Karen L. Chrestay, 1801 North Hampton Road, #400, DeSoto, Texas 75165, (214) 709-3800.

Filed: February 9, 1993, 2:29 p.m.

TRD-9318822

Structural Pest Control Board

Monday, February 22, 1993, 9 a.m. The Continuing Education Committee of the Structural Pest Control Board will meet at the Howard Johnson Plaza Hotel North, 7800 North IH-35, Trinity Room, Austin. According to the complete agenda, the committee will review Continuing Education Programs; discuss program process implementation and improvement; implementation of Continuing Education Program Evaluation forms; and review technician training course procedures and update.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: February 10, 1993, 9:12 a.m.

TRD-9318850

University of Houston

Monday, February 15, 1993, 2 p.m. The Animal Care Committee of the University of Houston met at the University of Houston, S&R II, Room 201, 4800 Calhoun Boulevard, Houston. According to the agenda summary, the committee possibly discussed and/or acted upon the following: approval of January minutes; renewal protocols; policies and procedures manual printing cost; security system update; and Dr. Brazeau's replacement.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9222.

Filed: February 9, 1993, 10:51 a.m.

TRD-9318801

University of Texas System, M. D. Anderson Cancer Center

Tuesday, February 16, 1993, 9 a.m. The Institutional Animal Care and Use Committee of the University of Texas System, M. D. Anderson Cancer Center will meet at the M. D. Anderson Cancer Center Conference Room AW7.707, Seventh Floor, 1515

Holcombe Boulevard, Houston. According to the agenda summary, the committee will review protocols for animal care and use and modifications thereof.

Contact: Anthony Mastromarino, Ph.D., 1515 Holcombe Boulevard, Houston, Texas 77030, (713) 792-3220.

Filed: February 10, 1993, 3:10 p.m.

TRD-9318877

Texas Water Commission

Wednesday, March 3, 1993, 6:30 p.m. The Texas Water Commission will meet at the First Colony Conference Center, 3232 Austin Parkway, Sugarland. According to the agenda summary, the commission will hold a public meeting to consider an application for a municipal solid waste facility permit by Madden Road Landfill Limited Partnership, Proposed Permit Number MSW2110. The site is to be seven miles northeast of Richmond (U.S. Highway 90A and FM Road 762), five miles west-northwest of Sugarland (FM Road 1876 and Alston Road), three miles southwest of the intersection of FM Road 1093 and FM Road 1464; and is on Madden Road, approximately 2,800 feet east of Harlem Road and approximately 5,700 feet west of FM 1464 in Fort Bend County.

Contact: Ann Scudday, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: February 11, 1993, 9:11 a.m.

TRD-9318892

Thursday, March 4, 1993, 11 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the City of Stephenville Recreation Building, 378 West Long Street, Stephenville. According to the agenda summary, the commission will hold a public hearing on an amended application for waste disposal permit by Jack Tuls for Proposed Permit Number 03366 authorizing disposal of waste and wastewater from a dairy. The dairy is located on the north side of FM Road 1188, approximately three miles northwest of the intersection of FM Road 1188 and Highway 377 in Erath County.

Contact: Deborah Thomas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: February 11, 1993, 9:11 a.m.

TRD-9318893

Regional Meetings

Meetings Filed February 9, 1993

The Appraisal District of Jones County Board of Directors will meet at the District's Office, 1137 East Court Plaza,

Anson, February 18, 1993, at 8:30 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9318829.

The Central Texas Mental Health and Mental Retardation Center Board of Trustees met at 408 Mulberry Drive, Brownwood, February 15, 1993, at 5 p.m. Information may be obtained from Saul Pullman, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, extension 102. TRD-9318800.

The Gulf Coast State Planning Region Transportation Policy Council will meet at the Stouffer Presidente Hotel, 6 Greenway Plaza East, Houston, February 19, 1993, at 9:30 a.m. Information may be obtained from Rosalind Hebert, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200, extension 516. TRD-9318828.

The Lower Neches Valley Authority Board of Directors will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, February 16, 1993, at 10:30 a.m. (Revised agenda). Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9318844.

The Nortex Regional Planning Commission Executive Committee will meet at the Offices of Nortex Regional Planning Commission, Conference Room, 4309 Jacksboro Highway, Wichita Falls, February 18, 1993, at noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281. TRD-9318819.

The Scurry County Appraisal District Appraisal Review Board will meet at 2612 College Avenue, Snyder, February 17, 1993, at 9 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9318838.

The Trinity River Authority of Texas Resources Development Committee met at 5300 South Collins, Arlington, February 15, 1993, at 10:30 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9318805.

The Trinity River Authority of Texas Utility Services Committee met at 5300 South Collins, Arlington, February 16, 1993, at 10 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9318808.

The Wise County Appraisal District Board of Directors will meet at 206 South State Street, Board Room, Decatur, February 11, 1993, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081, extension 04. TRD-9318813.

Meetings Filed February 10, 1993

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees, Human Resources Committee will meet at 1430 Collier Street, Board Room, Austin, February 16, 1993, at 6 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031. TRD-9318889.

The Burnet County Appraisal District Board of Directors will meet at 223 South Pierce, Burnet, February 18, 1993, at 6:30 p.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9318854.

The Dewitt County Appraisal District Board of Directors will meet at the Dewitt County Appraisal Office, 103 Bailey Street, Cuero, February 16, 1993, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9318873.

The Education Service Center, Region VI Board of Directors will meet at 1301 Sam Houston Avenue, Education Service Center, Downtown, Huntsville, February 18, 1993, at 5 p.m. Information may be obtained from Bobby Roberts, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161. TRD-9318875.

The Guadalupe-Blanco River Authority Board of Directors will meet at the Authority's Offices, 933 East Court Street, Seguin. According to the agenda summary, the board will consider water and sewer service contract proposals; authority's water quality management program; status reports on construction projects; current operations; financial transactions; and such other matters as may come before the board.

Contact: John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822.

Filed: February 10, 1993, 2:22 p.m.

TRD-9318872

The Johnson County Rural Water Supply Corporation Board met at the JCRWSC Office, Highway 171 South, Cleburne, February 15, 1993, at 7 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9318884.

The Lamar County Appraisal District Board will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, February 16, 1993, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9318871.

The Leon County Central Appraisal District Appraisal Review Board will meet at the Leon County Central Appraisal District Office, Centerville, February 16, 1993, at 9 a.m. Information may be obtained from Donald Gillum, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9318887.

The Limestone County Appraisal District Board of Directors will meet at the Limestone County Courthouse, Board Room, Ground Floor, Groesbeck, February 16, 1993, at 1 p.m. Information may be obtained from Clydene Hyden, P. O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9318874.

The Region One Education Service Center Board of Directors will meet at 1900 West Schunior, Edinburg, February 16, 1993, at 7 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (210) 383-5611. TRD-9318858.

The South Franklin Water Supply Corporation 22nd Annual Membership will meet at the Clearwater Baptist Church, FM 1448 Southwest of the South Franklin School Building, Mount Vernon, February 16, 1993, at 7 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mount Vernon, Texas 75457, (903) 860-3400. TRD-9318868.

The Trinity River Authority of Texas Legal Committee will meet at 5300 South

Collins, Arlington, February 17, 1993, at 10:30 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9318870.

The Wood County Appraisal District Board of Directors will meet at 217 North Main Street, Conference Room, Wood County Appraisal District, Quitman, February 18, 1993, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951, (903) 763-4891. TRD-9318876.

Meetings Filed February 11, 1993

The Education Service Center Region 12 The Administrative-Board of Directors will meet at 401 Franklin Avenue, Waco, February 18, 1993, at 11 a.m. Information may be obtained from Harry J. Beavers, P.O. Box 1249, Waco, Texas 76703-1249, (817) 756-7494. TRD-9318894.

The Hunt County Appraisal District Board of Directors held an emergency meeting at the Hunt County Appraisal District Boardroom, 4801 King Street, Greenville, February 11, 1993, at 6:30 p.m. The emergency status was necessary to discuss a contract. Information may be obtained from Shirley Smith, 4801 King Street, Greenville, Texas 75401, (903) 454-3510. TRD-9318895.

The Region VII Education Service Center Board of Directors will meet at the Golden Corral Restaurant, Highway 79 South, Henderson, February 18, 1993, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (903) 984-3071. TRD-9318890.

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board Notice of Opportunity to Comment on Administrative Actions

The Texas Air Control Board (TACB) Staff is providing an opportunity for written public comment on the listed Agreed Board Orders (ABOs) pursuant to the Texas Clean Air Act, Health and Safety Code, Chapter 382, §382.096. The Act, §382.096, requires that the TACB may not approve these ABOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is March 18, 1993. Section 382.096 also requires that the TACB promptly consider any written comments received and that the TACB may withhold approval of an ABO if a comment indicates the proposed ABO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act. Additional notice is not required if changes to an ABO are made in response to written comments.

A copy of each of the proposed ABOs is available for public inspection at both the TACB's Central Office, located at 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1000 and at the applicable Regional Office listed following. Written comments about these ABOs should be sent to the Staff Attorney designated for each ABO at the TACB's Central Office in Austin, and must be received by 5 p.m. on March 18, 1993. Written comments may also be sent by facsimile machine to the Staff Attorney at (512) 908-1850. The TACB Staff Attorneys are available to discuss the ABOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the ABOs should be submitted to the TACB in writing.

Company: Ameripol Synpol Company; Location: Port Neches, Jefferson County; Type of Facility: styrene butadiene rubber manufacturing plant; Rule Violated: TACB Rule 101.4 and Agreed Board Order Number 90-09(a), nuisance level emissions and by exceeding the 200 ppm limit for styrene in process wastewater. Penalty: \$48,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 3870 Eastex Freeway, Suite 101, Beaumont, Texas 77703, (409) 898-3838 or (409) 898-3790.

Company: C & H Die Casting; Location: near Temple, Bell County; Type of Facility: die casting facility; Rule Violated: TACB Rule 116.1, unauthorized construction; Penalty: \$0 Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240.

Company: Hercules Incorporated; Location: McGregor, McLennan County; Type of Facility: missile manufacturing plant; Rule Violated: TACB Rule 116.1, unauthorized

construction of a degreaser; Penalty: \$500 Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-9241.

Company: Hoechst Celanese Corporation; Location: Pasadena, Harris County; Type of Facility: chemical manufacturing plant; Rule Violated: TACB Rule 101.20(1), which requires compliance with federal new source performance standards for petroleum refineries; TACB Rules 115.332(1), 115.332(2), 115.332(4), 115.336(2), and 115.336(2)(E) concerning fugitive emissions monitoring, and 116.5, failing to comply with representations in the applications for a TACB Permit regarding minimum temperature in the acetic acid loading incinerator; Penalty: \$24,500 Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4964.

Company: Price Construction Company; Location: near Study Butte, Brewster County, and near Garden City, Glasscock County; Type of Facility: rock crusher; Rule Violated: TACB Rule 116.4, failing to comply with Special Provisions 3 and 4 of TACB Permit Number R-5828, regarding water sprinkling of transfer points and plant roads; Penalty: \$2,500; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 1901 East 37th Street, Suite 101, Odessa, Texas 79762, (915) 367-3871 or (915) 367-3872.

Company: ROC Carbon Company; Location: Houston, Harris County; Type of Facility: carbon products manufacturing plant; Rule Violated: TACB Rule 101.4, nuisance level emissions; Penalty: \$2,000; Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 5555 West Loop, Suite 300; Houston, Texas 77401, (713) 666-4964.

Company: Roger Rolfes, Sr., Individually or doing business as R-Metals; Location: Houston, Harris County; Type of Facility: aluminum sweat furnace; Rule Violated: TACB Rule 101.4, nuisance level emissions; TACB Rule 111.111(a)(1)(B), excessive opacity from a stationary vent; Penalty: No monetary Penalty assessed. Plant shut down; Staff Attorney: David Todd, (512) 908-1851; Regional Office: 5555 West Loop, Suite 300, Houston, Texas 77401, (713) 666-4964.

Company: Star Enterprise; Location: Port Arthur, Jefferson County; Type of Facility: power station demolition; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants, (asbestos); Penalty: \$1,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 3870 Eastex Freeway, Suite 110; Beaumont, Texas 77703, (409) 898-3838 or (409) 898-3790.

Company: Sterling Chemical Company, Incorporated; Location: Texas City, Galveston County; Type of Facility: chemical plant; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants (NESHAPS)

for benzene storage vessels; TACB Rule 101.20(1), failing to conduct performance tests on flares as required by applicable New Source Performance Standards (NSPS), NESHAPS, and TACB Rule 115.125, and by failing to submit quarterly reports for a facility subject to continuous emission monitoring requirements for nitrogen oxides as required by NSPS and TACB Rule 116.4 (see Special Provision 3 of TACB Permit Number R-1272A); TACB Rule 120.11 for failing to zero and span the calibration instrument used in the Phthalic Anhydride Incinerator on a daily basis, as required by Texas Water Commission (TWC) Permit Number HW-50144, Provision IX(E)(3); Penalty: \$17,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4064 or (713) 666-4064.

Company: Trinity Industries, Incorporated; Location: Fort Worth, Tarrant County; Type of Facility: structural steel fabrication plant; Rule Violated: TACB Rule 116.4, failing to comply with Special Provisions 2, 4, and 5 and General Provision 6 of TACB Permit Number 411A relating to emission rates, solvent content of coatings, coating and solvent usage, and requiring a blower inlet cone on the south paint stack; Penalty: \$55,000; Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Wright Brand Foods; Location: Vernon, Wilbarger County; Type of Facility: meat smoking and packing plant; Rule Violated: TACB Rule 116.1, unauthorized construction; Penalty: \$4,575; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: Commerce Plaza Office Building, 1290 South Willis, Suite 205, Abilene, Texas 79605, (915) 698-9674.

Company: Ben W. Young/Ben Mar Trust; Location: near Forney, Kaufman County; Type of Facility: demolition operation; Rule Violated: TACB Rule 101.20(2), which requires compliance with Federal National Emissions Standards for Hazardous Air Pollutants, (asbestos); Penalty: \$1,000; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Issued in Austin, Texas, on February 10, 1993.

TRD-9318807 Lane Hartscock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: February 9, 1993

Notices of Public Hearings

Notice is hereby given that pursuant to the requirements of §382.017(a) of the Texas Clean Air Act (TCAA); §103.11(4) of the Procedural Rules of the Texas Air Control Board (TACB); and 40 Code of Federal Regulations 51.102 of the United States Environmental Protection Agency (EPA) regulations, concerning State Implementation Plans (SIPs), the TACB will conduct a public hearing to receive testimony concerning a site-specific revision to the SIP.

The TACB proposes to allow an alternate emission reduction for Shell Oil Company at the Deer Park Manufacturing Complex. Shell has requested approval of an alternate emission reduction plan pursuant to §101.23, concerning Alternate Emission Reduction ("Bubble") Policy. The

Company proposes to reduce emissions by 1.05 tons per year from an alkylation plant analyzer vent en lieu of controlling 36 pounds per year of emissions pursuant to §115.317, concerning Exemptions in Petroleum Refining and Petro-chemical Processes, from three specified vents elsewhere on the property. If adopted, the plan will be submitted to the EPA as a proposed site-specific revision to the Texas SIP.

A public hearing on the proposal will be held on March 9, 1993, at 9 a.m. in the Auditorium (Room 201-S) of the TACB Central Office, Air Quality Planning Annex, located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to discuss the proposal and answer questions at 8:30 a.m., prior to the hearing.

Written comments not presented at the hearing may be submitted to the TACB Central Office, 12124 Park 35 Circle, Austin, Texas 78753, through March 12, 1993. Material received by the Engineering Services Section by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposal are available from the Engineering Services Section at the Central Office of the TACB, 12124 Park 35 Circle, Austin, Texas 78753, and at the Houston Regional Office of the TACB. For further information, call (713) 666-4964, or contact Troy Dalton at (512) 908-1541.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearings should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on February 9, 1993.

TRD-9318804 Lane Hartscock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: February 9, 1993

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA), §382.017(a), the Administrative Procedure and Texas Register Act, Article 6252-13a, §5; and the Procedural Rules of the Texas Air Control Board (TACB), §103.11(4); and 40 Code of Federal Regulations 51.102 of the United States Environmental Protection Agency regulations concerning State Implementation Plans, the TACB will conduct a public hearing to receive testimony concerning revisions to its rules.

The TACB proposes amendments to §111.111(a)(4)(B), concerning Gas Flares, to specify the duration of daily visible emission compliance testing. This action is in response to a petition from Texas Chemical Council (TCC) requesting that the TACB delete the requirement for daily tests. In order to maintain enforceability of the provisions, the TACB believes that a timeframe must be retained and is proposing daily surveillance which may be limited to six minutes for each flare. Facilities required to implement the proposed measure would incur costs based on the number of flares operated. The TACB is soliciting comments on the appropriateness of daily observations versus other frequencies.

A public hearing on this proposal will be held on March 17, 1993, at 10 a.m. in the Auditorium (Room 201S) of the TACB Central Office, Air Quality Planning Annex, located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to discuss the proposal and answer questions at 9:30 a.m., prior to the hearing.

Written comments not presented at the hearing may be submitted to the TACB Central Office in Austin through March 31, 1993. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed rules. Copies of the proposal are available at the Regulation Development Division of the TACB, Air Quality Planning Annex, located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB Regional Offices. For further information, contact Beecher Cameron at (512) 908-1495.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318803 Lane Hartssock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: February 9, 1993

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA), §382.017(a); the Administrative Procedure and Texas Register Act, Article 6252-13a, §5; the Procedural Rules of the Texas Air Control Board (TACB); §103.11(4); and 40 Code of Federal Regulations 51.102 of the United States Environmental Protection Agency regulations concerning State Implementation Plans, the TACB will conduct a public hearing to receive testimony concerning revisions to its rules.

The TACB proposes a new Chapter 116, concerning Control of Air Pollution By Permits For New Construction or Modification. In concurrent action, the TACB proposes to repeal the current Chapter 116 in its entirety. Changes to the regulation include replacement of operating permits with operations certification, revision of nonattainment rules and definitions, limitations on standard exemption applicability in nonattainment areas, and voluntary certification of standard exemption emission rates. Also, there will be some minor changes in the requirements for the Standard Exemption List, as well as, specific revisions to Standard Exemption 89 for ethylene oxide sterilizers and a new Standard Exemption 124 to exempt changes required by certain TACB rules. Changes recommended by the Permits Workshop to streamline the permits process are proposed including a permit alteration procedure, clarification of standard exemption use, and information to be included in a hearing request. In addition, the TACB proposes amendments to §101.1, concerning definitions, to delete the nonattainment definitions which will be transferred to Chapter 116.

A public hearing on this proposal will be held on March 16, 1993, at 10 a.m. in the Auditorium (Room 201S) of the TACB Central Office, Air Quality Planning Annex,

located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753. The hearing is structured for the receipt of oral or written comments by interested persons. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to discuss the proposal and answer questions at 9:30 a.m., prior to the hearing.

Written comments not presented at the hearing may be submitted to the TACB Central Office, 12124 Park 35 Circle, Austin, Texas 78753 through March 31, 1993. Material received by the Regulation Development Division by 4 p.m. on that date will be considered by the Board prior to any final action on the proposed revisions. Copies of the proposal are available at the Regulation Development Division of the TACB, Air Quality Planning Annex, located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753, and at all TACB Regional Offices. For further information, contact Gary McArthur at (512) 908-1917.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318802 Lane Hartssock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: February 9, 1993

Texas Commission on Alcohol and Drug Abuse Notice of Public Hearings

The Omnibus Reconciliation Act of 1981 (Public Law 97-35, as amended); and Texas Civil Statutes, Article 6252-13e, §(5)f requires public input into state plans on the intended use of federal funds allocated under the Substance Abuse Prevention and Treatment (SAPT) Block Grant. Consistent with these mandates, the Texas Commission on Alcohol and Drug Abuse (Commission) is holding public hearings in March. The purpose of these hearings is to take testimony regarding the Commission's intended use of SAPT block grant funds for fiscal year 1994.

Specific comments will be solicited on the following issues: the intended use of public funds for substance abuse services; the magnitude of the substance abuse problem; and, the current availability of and need for substance abuse services.

At these hearings, preliminary reports of the intended use of funds for federal fiscal year 1994 (beginning October 1, 1993) will be provided.

Six public hearings have been scheduled as follows: March 1, 1993, Laredo, 9 a.m.-11 a.m., Traffic Safety Office, City of Laredo, 2800 Saunders; March 5, 1993, Abilene, West Central Texas Council of Governments, 1 p.m.-4 p.m., 1025 East North 10th; March 15, 1993, Corpus Christi, 9 a.m.-11 a.m., Coastal Bend Council of Governments, 2910 Leopard; March 19, 1993, Lufkin, 9 a.m.-12 p.m., Lufkin City Council Chambers, Room 202, 303 East Shepherd; March 26, 1993, Arlington, 1 p.m.-4 p.m., North Central Texas Council of Governments, 616

Six Flags Drive; and March 29, 1993, Lubbock, 9 a.m.-12 p.m., South Plains Association of Governments, 1323 58th Street:

Representatives from the Texas Commission on Alcohol and Drug Abuse will be present to explain the planning process and consult with and receive comments from interested citizens and affected groups. All written and oral comments will be considered in the preparation of the final plan and budgets.

Preliminary intended use reports can be obtained from all regional councils of governments or by contacting the Texas Commission on Alcohol and Drug Abuse, 720 Brazos, Suite 403, Austin, Texas 78701, (512) 867-8700, contact person, Rebecca Davis. Written comments will be accepted through March 31, 1993.

In conjunction with these hearings on the use of federal block grant funds, the Commission will be presenting an overview of the In-Prison Therapeutic Community Program and the Substance Abuse Felony Punishment Facility Program. A period for questions and answers will be provided. Overviews of these programs will be available at public hearings held in Abilene, Lufkin, Arlington and Lubbock. For locations, see the addresses listed above.

Issued in Austin, Texas, on February 5, 1993.

TRD-9318846 Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: February 10, 1993

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State Banking Board

Notices of Hearing

The Hearing Officer of the State Banking Board will conduct a hearing on March 11, 1993, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for The Bank of the West, El Paso.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on March 8, 1993.

TRD-9318820 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: February 9, 1993

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The Hearing Officer of the State Banking Board will conduct a hearing on March 12, 1993, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Texas A&M Foundation Trust Company, Bryan.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on February 5, 1993.

TRD-9318785 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: February 9, 1993

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The Hearing Officer of the State Banking Board will conduct a hearing on March 12, 1993, at 1 p.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Secured Trust Corporation, Tyler.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on February 5, 1993.

TRD-9318821 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: February 9, 1993

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Comptroller of Public Accounts

Texas Lottery Game Procedures Instant Game Number 09

1.0 Name and Style of Game.

The name of Instant Game Number 09 is "TEXAS CASH ROUNDUP." The play style of the game is "match three."

1.1 Price of Instant Ticket.

Tickets for Instant Game Number 09 shall be \$1.00 per ticket.

1.2 Definitions in Instant Game Number 09.

A. Bar Code--The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.

B. Display Printing--That area of the instant game ticket outside of the area where the Play Symbols appear.

C. High-Tier Prize--A prize of \$3,000.

D. Low-Tier Prize--A prize of \$1.00, \$2.00, \$3.00, \$5.00, \$20, \$25, \$30, or \$35.

E. Mid-Tier Prize--A prize of \$300.

F. Non-Winning Ticket--A ticket which is not intended to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7.

G. Pack--A pack of fanfolded "TEXAS CASH ROUNDUP" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 500 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next page, etc.; and tickets

495 to 499 are on the last page. Tickets 000 and 499 are folded down to expose the pack-ticket number through the shrink-wrap.

H. Pack-Ticket Number-The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack number followed by a three-digit ticket number. Numbering begins with 09-000001-000 for this game.

PLAY SYMBOL

\$1.00
 \$2.00
 \$3.00
 \$5.00
 \$20.00
 \$25.00
 \$30.00
 \$35.00
 \$300
 \$3,000

CAPTION

ONE\$
 TWO\$
 THREE\$
 FIVE\$
 TWENTY
 TWOFIV\$
 THIRTY
 THR FIV
 THR HUND
 THR THOU

K. Retailer Validation Code-Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

L. Ticket or Instant Game Ticket, or Instant Ticket-A Texas Lottery "TEXAS CASH ROUNDUP" Instant Game Number 09 ticket.

M. Validation Number-A unique 12-digit number applied to the front of each ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general ticket validation requirements set forth in Section 2.1 of rules adopted by the Lottery for this purpose, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "TEXAS CASH ROUNDUP" Instant Game is determined when the latex on the ticket is rubbed off to expose the eight Play Symbols on the front of the ticket. The holder of a ticket wins that like Play Symbol prize amount, if the same Play Symbol prize amount appears in three separate play spots on that ticket. No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Play Symbol amounts have the following instant values:

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met.

1. Exactly one Play Symbol must appear under each of the eight rub-off spots on the right front portion of the ticket.

I. Play Symbol-One of the symbols which appears under the eight rub-off spots on the front of the ticket. Each Play Symbol is printed in Symbol font in black ink in positive. The possible Play Symbols are: \$1.00, \$2.00, \$3.00, \$5.00, \$20, \$25, \$30, \$35, \$300, and \$3,000.

J. Play Symbol Caption-The small printed material appearing below each Play Symbol which explains the Play Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in Caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

2. Each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption.
3. Each of the Play Symbols must be present in its entirety and be fully legible.
4. Each Play Symbol Caption must be present in its entirety and be fully legible.
5. Each of the Play Symbols and the Play Symbol Captions must be printed in black ink.
6. The ticket shall be intact.
7. The Validation Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible.
8. The Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket.
9. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.
10. The ticket must not be counterfeit in whole or in part.
11. The ticket must have been issued by the Lottery in an authorized manner.
12. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery.
13. The Play Symbols, Play Symbol Captions, Validation Number, Retailer Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner.

14. The ticket must be complete and not miscut, and have exactly one Play Symbol and exactly one Play Symbol Caption under each of the eight rub-off spots on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code and exactly one Pack-Ticket Number on the ticket.

15. The Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously.

16. The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error.

17. Each of the eight Play Symbols must be exactly one of those described in Section 1.2.I, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in Section 1.2.J.

18. Each of the eight Play Symbols on the ticket must be printed in the Symbol Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery.

19. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery.

20. The ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated, and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2.2 Procedure for Claiming Prizes.

A. To claim a "TEXAS CASH ROUNDUP" Instant Game prize of \$1.00, \$2.00, \$3.00, \$5.00, \$20, \$25, \$30, \$35, or \$300, a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Lottery Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not required to, pay a \$300 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be forwarded to the player in the amount due.

In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in Section 2.2.B.

B. To claim a "TEXAS CASH ROUNDUP" Instant Game prize of \$3,000, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin, Texas 78752-6600. When paying a prize of \$600 or more, the Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;

2. delinquent in making child support payments administered or collected by the Attorney General; or

3. in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code.

If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3 Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.2.D.

No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "TEXAS CASH ROUNDUP" instant game, the Lottery shall:

1. if the prize is less than \$600, deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor;

2. if the prize is more than \$600, deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.5 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefor, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefor, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable

thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefor. If more than one name appears on the back of the ticket, the Director will require that one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0 Number and Value of Instant Prizes. There will be approximately 70,000,000 tickets in the Instant Game Number 09. The expected number and value of prizes in the game are as follows:

- \$1.00
- \$2.00, or
- \$3.00, or
- \$5.00, or
- \$20.00, or
- \$25.00, or
- \$30.00, or
- \$35.00, or
- \$300, or
- \$3,000.

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

5.0 Termination of the Instant Game. The Director may, at any time, announce a termination date for the Instant Game Number 09 without advance notice, at which point no further tickets in that game may be sold.

6.0 Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game Number 09, the

Lottery Act (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7, and all final decisions of the Director.

Issued in Austin, Texas, on February 9, 1993.

TRD-9318831 Tres Lorton
 Senior Legal Counsel, General Law
 Section
 Comptroller of Public Accounts

Filed: February 9, 1993



<u>PRIZE</u>	<u>APPROXIMATE NUMBER OF WINNERS IN THE GAME</u>	<u>CHANCES OF WINNING</u>
\$1	8,689,920	1:8.06
\$2	3,819,360	1:18.35
\$3	770,880	1:90.91
\$5	560,640	1:125.00
\$20	245,280	1:285.71
\$25	70,080	1:1,000.00
\$30	70,080	1:1,000.00
\$35	70,080	1:1,000.00
\$300	10,220	1:6,857.14
\$3,000	584	1:120,000.00

**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer ⁽¹⁾/Agricultural/ Commercial ⁽²⁾ thru \$250,000</u>	<u>Commercial⁽²⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	02/15/93-02/21/93	18.00%	18.00%

⁽¹⁾Credit for personal, family or household use. ⁽²⁾Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318784 Al Endsley
Consumer Credit Commissioner

Filed: February 9, 1993

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**Governor's Office, Criminal Justice
Division**

Crime Victims Assistance

Under the provisions of the Victims of Crime Act of 1984 (VOCA), as amended, Texas will receive a federal grant to continue the funding of a Criminal Victims Assistance Program. The Governor has designated the Criminal Justice Division, Office of Governor, to continue to administer that program in the form of grants to units of government and to nonprofit organizations. The Criminal Justice Division (CJD) is now accepting grant applications for eligible projects from state agencies, units of local government, and nonprofit organizations.

The Crime Victims Assistance Program is intended to start or expand projects that provide assistance (but not compensation) to victims of crime for needs resulting directly from the crime and to assist in their participation in criminal justice proceedings. Projects presently receiving VOCA grant funding are not required to start or expand services further to be eligible for continuation funding, but are required to achieve and sustain the presently approved annualized levels/scope of services and to maintain the existing annualized level of matching cash contribution.

Eligible Projects. Only those projects which provide services to victims of crime are eligible for grant funding. Such services must directly benefit individual crime victims; must address needs directly resulting from the crime; and may include the required coordination of those services and the training of service provider staff and volunteers. Additionally, to be eligible, each project must, if it is a new project, receive at least 35% of its budget in cash or

in-kind contributions from sources other than state grants/contracts or federal grants for categorical programs; or, if it is an existing project, must have a record of providing not less than one completed year of effective services, in a cost-effective manner, to victims of crime, and must receive at least 20% of its total budget from either in-kind contributions or in cash from sources other than state grants/contracts or federal grants for categorical programs, (exceptions are permitted for projects operated on Indian reservations); be operated by a state agency, unit of local government, or nonprofit organization; utilize volunteers, unless a waiver of this requirement based on compelling justification is requested by the applicant and is approved by the director of the CJD; promote, within the community served, coordinated public and private efforts to aid crime victims; and assist victims in seeking available benefits under the Texas Crime Victims Compensation Program.

Significant Restrictions and Special Requirements: Crime victims must be the sole or primary beneficiaries of the project; individual grants are limited to \$50,000; fund may not be used to replace federal, state or local funds that would have been available for crime victims' assistance in the absence of VOCA funds; and funds may not be used for crime prevention, witness management, general criminal justice system improvements, management training, advocating particular legislation or administrative reform, for influencing the outcome of any election, for transitional living programs, for services to perpetrators, for legal assistance/representation in civil law issues, or for physicians, or counselors on a case-by-case fee basis.

Any applications must comply with the program criteria and applicable rules of the CJD, and must be submitted in the form prescribed by the CJD. The CJD reserves the right to negotiate modifications to improve the quality and cost-effectiveness of any proposed project and to recommend to the Governor the acceptance, acceptance with modification, or rejection of any grant application. This announcement in no way obligates the CJD to award grant funds or to pay any costs incurred by applications as a result of responding to this announcement.

Deadline. Applications must be received by CJD by 5 p.m., Thursday, April 8, 1993. Applicants need to submit

copies of applications to the Regional Planning Councils or the Governor's Budget and Planning Office for review under the Texas Review and Comment System (TRACS). In addition, the Office of the Governor, Criminal Justice Division, will conduct regional workshops between March 8th and March 19th to provide assistance in preparing applications. Further information will be distributed with the application kits.

Application Forms and Information. Application forms, guidelines, and workshop information will be provided by the CJD upon request. Requests should be directed to the VOCA Grant Section, Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, (512) 463-1919.

Issued in Austin, Texas, on February 9, 1993.

TRD-9318722 David A. Talbot, Jr.
General Counsel
Office of the Governor, Criminal Justice
Division

Filed: February 8, 1993

Texas Education Agency

Correction of Error

The Texas Education Agency proposed amendments to 19 TAC §75.32, concerning essential curriculum elements, new §137.192 and §137.193, concerning teacher education, and new §137.307, concerning counselor. The rules were published in the January 26, 1993, *Texas Register* (18 TexReg 402).

In the section heading of §75.32, the comma after "Texas" should be omitted. The heading should read as follows. "*§75.32. Social Studies, Texas and United States History.*"

On page 418 in §137.192(b) and on page 424 in §137.193(b), the word "table" was misspelled as "tables".

In §137.307, the implied (a) should end with a period rather than a colon. The initial word in each of paragraphs (2)-(3) should be capitalized and paragraphs (1) and (2) should each end with a period.

Governor's Office of Immigration and Refugee Affairs

Announcement of Available Funds and Request for Proposals—Refugee Targeted Assistance Funds

Summary. The Governor's Office of Immigration and Refugee Affairs is pleased to announce the availability of Targeted Assistance funds the federal Office of Refugee Resettlement has designated to provide services in areas with high concentrations of refugees. For federal fiscal year 1993 (FFY93) Targeted Assistance grant funds are designated for use in Harris County. The total amount of funding available is \$325,448.

The Code of Federal Regulations (CFR) 45 parts 400 and 401 give the State the authority to contract with public or private service providers to deliver social services to refugees. In Texas, the Governor's Office of Immigration and Refugee Affairs is responsible for the administration of the Refugee Social Services Program.

Funds will be awarded on a competitive basis to those applicants that can demonstrate the greatest aptitude for effectively serving the desired clients. All contracts will be on a cost reimbursement basis. Applicants shall propose a comprehensive Plan of Operation that addresses all areas of the refugee's needs as defined in this announcement.

All public or private agencies and organizations that can demonstrate the expertise necessary to carry out the described services are encouraged to submit proposals. Proposals must be typewritten or printed, and five copies submitted to: Debbie Desmond, Refugee Program Manager, Governor's Office of Immigration and Refugee Affairs, 9101 Burnet Road #216, Austin, Texas 78758.

Application Deadline Date. All proposals must be RECEIVED in the Governor's Office of Immigration and Refugee Affairs by 4 p.m. on March 12, 1993. No proposal received after that deadline will be considered.

Evaluation of Proposal and Award. The final selection of grantees for award shall be made by the Governor's Office of Immigration and Refugee Affairs after careful evaluation of each proposal according to the attached evaluation criteria and in accordance with applicable state and federal laws and regulations.

A copy of the complete RFP package including a detailed explanation of the RFP and the evaluation criteria will be sent upon written request. Please contact Debbie Desmond at the above address.

Issued in Austin, Texas, on February 5, 1993.

TRD-9318723 David A. Talbot
General Counsel
Office of the Governor

Filed: February 8, 1993

Texas Department of Health

Award of Contract for Parent Consultant

The Texas Department of Health (TDH) has awarded a contract to a parent of a child with special health care needs (CSHCN) to network with and advocate for CSHCN and their families. The request for proposals was published in the October 16, 1992, issue of the *Texas Register* (17 TexReg 7270).

The services to be performed are as follows: developing and maintaining lines of communication with parents or guardians and with resources for CSHCN (including private, public, and governmental agencies); identification and linkage of parents, parent groups, and advocacy organizations; analysis of advocacy efforts in addressing problems and presenting solutions relevant to CSHCN; participation in community needs assessments for networking purposes, analysis of findings, and presentation of findings; and acting as a representative for the Texas Department of Health and of families with CSHCN when presenting family issues and concerns, providing information, and working to improve services.

The contract has been awarded through the Bureau of Chronically Ill and Disabled Children's Services (CIDC) to Eula Arnett, 3531 Greenridge, San Angelo, Texas 76904, for the period of November 16, 1992-August 31, 1993. The total value of the contract is \$31,750. On a monthly basis and no later than 30 days after the end of each month, the contractor will submit a monthly report to

CIDC documenting activities and accomplishments, plans for subsequent months, and an explanation of expenditures for the reporting period.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318814 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

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**Notice of Emergency Cease and Desist
Order**

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Esta Lubs, D.C., doing business as Montgomery County Chiropractic Center, (registrant-R15958) of Conroe to cease and desist using any sources of radiation in their possession at this facility until entrance exposure limits for x-ray diagnostic procedures have been reduced to within regulatory limits. The bureau determined that the continued use of radiation sources at this facility constitutes an immediate threat to public health and safety. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct this violation and the methods to prevent its recurrence.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 8, 1993.

TRD-9318817 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

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Notice is hereby given that the Bureau of Radiation Control (bureau) ordered James C. Baxter, D.C. (registrant-R19376) of Stafford to cease and desist using any sources of radiation in his possession at this facility until entrance exposure limits for x-ray diagnostic procedures have been reduced to within regulatory limits. The bureau determined that the continued use of radiation sources at this facility constitutes an immediate threat to public health and safety. The registrant is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct this violation and other health-related violations found during a recent inspection of the facility, and the methods to prevent the recurrence of the violations.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 8, 1993.

TRD-9318811 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

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Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Herbert R. Melch, M.D. (registrant-

R11836) of Fort Worth to cease and desist using any sources of radiation at his facility until health-related violations found during a recent inspection of his operations have been corrected. The bureau determined that the continued use of radiation sources at this facility constitutes a threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions to correct the violations and the methods to prevent their recurrence.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 9, 1993.

TRD-9318835 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

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Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Osler Medical Laboratory (registrant-R00560) of Dallas to cease and desist using the Picker fluoroscopic unit at its facility until actions are taken to either disable the unit or equip it with an image intensification system. The bureau determined that the continued use of this radiation source at the facility constitutes an immediate threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions taken to correct the violation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 9, 1993.

TRD-9318833 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

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Notice is hereby given that the Bureau of Radiation Control (bureau) ordered F.E. McIntyre, M.D. (registrant-R04597) of Austin to cease and desist using the Westinghouse fluoroscopic unit at that facility until actions are taken to either disable the unit or equip it with an image intensification system. The bureau determined that the continued use of this radiation source at the facility constitutes an immediate threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions taken to correct the violation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 8, 1993.

TRD-9318815 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Robert B. Hames, D.O. (registrant-R17234) of Fort Worth to cease and desist using the fluoroscopic system of the Profexray x-ray unit at that facility until actions are taken to either disable the fluoroscopic system or equip it with an image intensification system. The bureau determined that the continued use of this radiation source at the facility constitutes an immediate threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions taken to correct the violation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 8, 1993.

TRD-9318812 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993



Notice is hereby given that the Bureau of Radiation Control (bureau) ordered John J. Innis, M.D., doing business as Surgery of Bones and Joints, (registrant-R04986) of Fort Worth to cease and desist using any sources of radiation in their possession at this facility until entrance exposure limits for x-ray diagnostic procedures have been reduced to within regulatory limits. The bureau determined that the continued use of radiation sources at this facility constitutes an immediate threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions taken to correct the violation and the methods to prevent the recurrence of the violation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 8, 1993.

TRD-9318810 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993



Notice of Intent to Revoke A Certificate of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following registrant: Holmes Animal Clinic, Mexia, R15250.

The department intends to revoke the certificate of registration; order the registrant to cease and desist use of radiation machine(s); order the registrant to divest himself of such equipment; and order the registrant to present

evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid and the items in the complaints are corrected within 30 days of the date of complaint, the department will not issue an order.

This notice affords the opportunity to the registrant for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid or if the items in the complaint are not corrected, the certificate of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, the Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 8, 1993.

TRD-9318809 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993



Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Greenleaf Center Inc./Killeen, Killeen, R17410; CBM Education Center, Austin, R16745; Don P. Hampton, D.D.S., Azle, R17508; Westlake Metal Fabrication Corporation, Houston, R17536; SunWest Radiology, El Paso, R18122; Community Chiropractic Clinic, Houston, R18145; Rodney K. Morris, Sr., M.D., Harker Heights, R18165; Britt Airways, Inc., San Angelo, R18324; Philip Davidson, D.C., Dallas, R18932; Accident and Injury Clinic, Texarkana, R18970.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at

the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 8, 1993.

TRD-9318816 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

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**Notice of Preliminary Report for
Assessment of Administrative Penalties
and Notice of Violation**

Notice is hereby given that the Bureau of Radiation Control issued a notice of violation and assessed an administrative penalty to Dallas Diagnostic Association, Dallas, holder of Certificate of Registration Number R-04672. A penalty of \$7,500 was assessed the facility for violations of the Texas Regulations for Control of Radiation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 9, 1993.

TRD-9318832 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

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**Notice of Revocation of a Certificate of
Registration**

The Texas Department of Health, having duly filed a complaint pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following certificate of registration: Triangle Dental Supply, Inc., Beaumont, R06759, January 11, 1993.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, the Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on February 9, 1993.

TRD-9318834 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

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Request for Proposals

Background. In May 1985, the 69th Legislature of the State of Texas enacted into law The Texas Primary Health Care Services Act, Texas Civil Statutes, Article 4438d. This law provides for the delivery of primary health care services to eligible low income individuals who are not eligible for other programs. The Texas Department of Health was given the responsibility for implementing this Act.

In 1991, upon recommendation by the Primary Health Care Services Program (PHCSP) Advisory Committee, the Department adopted a funding "roll-over" policy. This policy will provide five years of stable funding to allow programs to mature, develop multiple income sources and establish strong community support. After five years, state support will be reduced by one-third over the next four years to "roll" funds over for additional counties/communities seeking assistance to establish programs of their own. These funds will be targeted to counties not currently served by existing PHCSP contractors. (See attached list of eligible counties.) For fiscal year 1994, \$774,000 will be available for new projects. This should allow for the funding of three-four new PHCSP projects.

General Information. Application packets will be available March 1, 1993. Completed proposals from eligible counties must be received or postmarked by the Texas Department of Health, Primary Health Care Services Program, 1100 West 49th Street, Austin, Texas 78756, the local Council of Governments, and the Texas Department of Health Regional Office at the close of the business day on April 19, 1993. Submission of four copies to the Texas Department of Health Central Office and one copy each to the local Council of Governments and the Texas Department of Health Regional Office is required.

Length of Funding. The initial funding will be for 12 months starting September 1, 1993, with subsequent funding for 12 month periods following the state fiscal year and satisfactory performance of program objectives. Additionally, funding beyond FY 1994 will be dependent upon legislative action. Applicants approved for funding will be notified no later than July 1, 1993. After the awards have been granted, a contract will be negotiated between the Texas Department of Health and the selected providers.

Qualification of Applicant. Potential contractors must serve specified counties and ensure that they have the capability, facilities and all required special resources readily available within the community to meet and to satisfactorily perform the services identified in their proposal. All contractors must provide documentation of the contractor's ability to establish a comprehensive health care system which will ensure both the provision of and access to (at the least) the six initial service priorities to include: diagnosis and treatment; emergency services; family planning services; preventive health services, including immunizations; health education; and laboratory, x-ray, nuclear medicine, or other appropriate diagnostic services.

Application Procedure. More detailed information may be obtained from the program. The contact person is John Dombroski, Director of the Primary Health Care Services Program, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7771.

Review of Applicant's Proposal. Each application will be evaluated independently on the following proposal sections: Project Summary; Needs Assessment; Solution; Plan of Operation; Service Delivery; and Monitoring and Evaluation.

Review of proposals will be completed by staff at the area Council of Governments, the Texas Department of Health Public Health Regional Offices, the Texas

Department of Health Primary Health Care Services
Program staff and the State Primary Care Advisory
Committee. This Committee will forward its final
recommendations to the Department for final project
selection.

FOR NEW APPLICATION

ELIGIBLE COUNTIES FOR PHCSP APPLICATION FY 1994

Angelina	Floyd	Live Oak	Sherman
Aransas	Foard	Llano	Somervell
Archer	Franklin	Loving	Starr
Armstrong	Freestone	Lubbock	Stephens
Atascosa	Frio	Lynn	Sterling
Austin	Galveston	Madison	Stonewall
Bailey	Garza	Marion	Swisher
Bandera	Gillespie	Martin	Terrell
Baylor	Glasscock	Matagorda	Throckmorton
Bee	Goliad	Maverick	Titus
Bell	Gray	McLennan	Travis
Bosque	Grayson	McMullen	Tyler
Bowie	Grimes	Medina	Upton
Brazoria	Guadalupe	Midland	Uvalde
Brazos	Hale	Milam	Victoria
Brown	Hall	Mitchell	Walker
Burleson	Hansford	Montague	Waller
Burnet	Hardeman	Montgomery	Ward
Calhoun	Harrison	Moore	Washington
Cass	Hartley	Motley	Wharton
Castro	Haskell	Nacogdoches	Wheeler
Cherokee	Hemphill	Nolan	Wichita
Childress	Hill	Nueces	Wilbarger
Clay	Hockley	Ochiltree	Willacy
Coke	Hood	Oldham	Wilson
Coleman	Hopkins	Orange	Winkler
Collin	Howard	Pala Pinto	Wise
Collingsworth	Hudspeth	Panola	Young
Colorado	Hunt	Parker	Zapata
Comal	Hutchinson	Parmer	Zavala
Cooke	Jack	Pecos	
Coryell	Jackson	Polk	
Cottle	Jefferson	Potter	
Crane	Jim Hogg	Randall	
Crosby	Johnson	Reagan	
Culberson	Karnes	Real	
Dallam	Kaufman	Red River	
Deaf Smith	Kendall	Reeves	
Delta	Kenedy	Refugio	
Denton	Kerr	Roberts	
DeWitt	Kinney	Robertson	
Dimmit	Kleberg	Rockwall	
Donley	Knox	Runnels	
Duval	Lamar	Rusk	
Edwards	Lamb	Sabine	
Ellis	La Salle	San Augustine	
Erath	Lavaca	San Jacinto	
Falls	Leon	San Patricio	
Fannin	Limestone	Scurry	
Fisher	Lipscomb	Shelby	

Issued in Austin, Texas, on February 8, 1993.

TRD-9318818

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

Request for Proposals/Correction of Error

The Interagency Council on Early Childhood Intervention announced a Request for Proposals (RFP) for continuation funding for the current High Priority Infant Transitional Services Projects (HPITS) and funding new policies. The publication in the February 5, 1993, issue of the *Texas Register* (18 TR 768) reflected that the application must be received by 5 p.m. on April 16, 1993, or postmarked by April 15, 1993. The RFP submission dates were posted in error. The correct submission dates of the RFP are as follows:

All applications to be considered for funding must be received by the Early Childhood Intervention Program by 5 p.m. on April 2, 1993, or postmarked by April 1, 1993. Questions should be directed to Veda Harmon, HPITS Coordinator at (512) 458-7673.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318789

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: February 9, 1993

Texas Department of Human Services Notice of Intent to Procure Family Violence Services

The Texas Department of Human Services (TDHS) intends to contract with the shelters listed below. If there are other eligible providers, not on this list which would like to be considered for a contract, they should notify TDHS immediately. TDHS will determine the appropriateness of additional contracts.

To be eligible to apply for a contract, a public or private non-profit organization must operate a shelter center for victims of family violence. For at least nine months before the date TDHS awards a contract to a shelter center, the center must have been incorporated (if private) and been portraying itself to the public as a facility that specifically, although not necessarily solely, serves family violence victims; offered shelter services that included at least food and clothing, a 24-hour hotline, community education, information and referral; and had the continuous capacity to offer 24-hour-a-day shelter for at least five victims of family violence. Continuous capacity is defined to include a break in services due to extenuating circumstances for not longer than one month.

Shelter centers must have written documentation that they meet the listed criteria above.

The Texas Department of Human Services intends to initiate contracts in FY 1994 (September 1-August 31) with the following family violence shelters: Noah Project, 1802 Grape, Abilene, Texas 79601; Rio-Pecos Family Crisis Center; P.O. Box 1470, Alpine, Texas 79831; Rape

Crisis/Domestic Violence Center of Amarillo, Inc., 804 South Bryan, #214, Amarillo, Texas 79106; Women's Center of Brazoria County, P.O. Box 476, Angleton, Texas 77516-0476; The Women's Shelter, P.O. Box 1207, Arlington, Texas 76004; Center for Battered Women, P.O. Box 19454, Austin, Texas 78760; Bastrop County Women's Shelter, P.O. Box 736, Bastrop, Texas 78602; Matagorda County Women's Crisis Center, P.O. Box 1820, Bay City, Texas 77414; Bay Area Women's Center, P.O. Box 3735, Baytown, Texas 77522; Women's and Children's Shelter of Southeast Texas, P.O. Box 6606, Beaumont, Texas 77705; Friendship of Women, Inc., P.O. Box 3112, Brownsville, Texas 78520; Phoebe's Home, P.O. Box 3490, Bryan, Texas 77805; Johnson County Family Crisis Center, P.O. Box 43, Cleburne, Texas 76033; Montgomery County Women's Center, P.O. Box 8666, Conroe, Texas 77387-8666; Women's Shelter of Corpus Christi Area, P.O. Box 336B, Corpus Christi, Texas 78463; The Family Place, 4211 Cedar Springs #100, Dallas, Texas 75219; Denton County Friends of the Family, Inc., P.O. Box 623, Denton, Texas 76202; Safe Place, Inc., P.O. Box 317, Dumas, Texas 79029; The El Paso Shelter for Battered Women, P.O. Box 26219, El Paso, Texas 79926; Women's Haven of Tarrant County, P.O. Box 1456, Fort Worth, Texas 76101; Women's Resource and Crisis Center of Galveston County, Inc., P.O. Box 1545, Galveston, Texas 77553; Women in Need, Inc., P.O. Box 349, Greenville, Texas 75401; Family Crisis Center, 2220 Haine Drive, #32, Harlingen, Texas 78550; Medina County Family Life Center, P.O. Box 393, Hondo, Texas 78861; Houston Area Women's Center, 3101 Richmond #150, Houston, Texas 77098; The Roseate, A Better Choice, Inc., Department 382, Box 90020, Houston, Texas 77069; SAAFE House (Walker County Family Violence Council), P.O. Box 1893, Huntsville, Texas 77342; Cherokee County Crisis Center, P.O. Box 837, Jacksonville, Texas 75766; Hill Country Crisis Council, Inc., P.O. Box 1817, Kerrville, Texas 78029; Kilgore Community Center, 905 Broadway, Kilgore, Texas 75662; Families in Crisis, P.O. Box 25, Killeen, Texas 76540-0025; Catholic Social Services of Laredo, P.O. Box 3305, Laredo, Texas 78041; Women's Center of East Texas, P.O. Box 347, Longview, Texas 75606; Women's Protective Services, 1706 23rd Street, Suite 104, Lubbock, Texas 79411; Family Crisis Center, P.O. Box 805, Marble Falls, Texas 78654; Mujeres Unidas/Women Together Foundation, Inc., 420 North 21st Street, McAllen, Texas 78501; Permian Basin Center for Battered Women and Their Children, P.O. Box 2942, Midland, Texas 79702 Hope, Inc., P.O. Box 1622, Mineral Wells, Texas 76067; Women's Shelter of East Texas, Inc., P.O. Box 630569, Nacogdoches, Texas 75963; Comal County Women's Center, P.O. Box 310344, New Braunfels, Texas 79131; Tra-Lee Crisis Center for Women, Inc., P.O. Box 2880, Pampa, Texas 79065; Family Haven Crisis and Resource Center, Inc., 1220 Clarksville, Paris, Texas 75460; The Bridge Over Troubled Water, P.O. Box 3488, Pasadena, Texas 77501; Panhandle Crisis Center, P.O. Box 502, Perryton, Texas 79070; Hale County Crisis Center, P.O. Box 326, Plainville, Texas 79073; Collin County Women's Shelter, 2701 West 15th, Suite 212, Plano, Texas 75075; Fort Bend County Women's Refuge, Inc., P.O. Box 183, Richmond, Texas 77469; Williamson County Crisis Center, 211 Commerce Cove, #103, Round Rock, Texas 78664; ICD Family Shelter, P.O. Box 5018, San Angelo, Texas 76902; Battered Women's Shelter of Bexar County, Inc., P.O. Box 10393, San Antonio, Texas 78210; Hays County Women's Center, P.O. Box 234, San Marcos, Texas 78667; Guadalupe County Women's Shel-

ter, P.O. Box 1302, Seguin, Texas 78155; Crisis Center, P.O. Box 2112, Sherman, Texas 75091; Domestic Violence Prevention, Inc., P.O. Box 712, Texarkana, Texas 75504; East Texas Crisis Center, 3027 S.S.E. Loop 323, Tyler, Texas 75701; Women's Crisis Center, P.O. Box 395, Victoria, Texas 77902; Family Abuse Center, P.O. Box 20395, Waco, Texas 76702-0395; First Step, Inc., P.O. Box 773, Wichita Falls, Texas 76307.

If you are eligible during FY 1994 and meet the above listed requirements, contact the Family Violence Program Specialist, Connie Berry, at The Texas Department of Human Services, P.O. Box 149030, Mail Code: W-622, Austin, Texas 78714-9030, (512) 450-4151, by March 31, 1993.

Issued in Austin, Texas, on February 10, 1993.

TRD-9318849 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: February 10, 1993

Notice of Public Hearing

The Texas Department of Human Services (TDHS) will conduct a public hearing to receive comments on the department's proposed reimbursement rates for the following programs: the Nursing Facility program supplemental rate for ventilator dependent residents; and the Vendor Drug program dispensing expense fee. The hearing is held in compliance with 40 TAC §24.102(j), which requires a public hearing on proposed reimbursement rates for medical assistance programs. The public hearing will be held on March 4, 1993 at 9 a.m. in the Room 560W (5W) of the John H. Winters Center (701 West 51st Street, Austin, Fifth Floor, West Tower). Interested parties may request to have mailed to them or may pick up a briefing package concerning the proposed reimbursement rates on or after February 17, 1993, by contacting Kathy E. Hall, MC E-601, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3702.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318774 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: February 8, 1993

Texas Department of Public Safety Regulations Governing Transportation Safety §3.62—Public Hearing Notice

The Texas Department of Public Safety, in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a and Article 6701d, §139, is holding a public hearing February 25, 1993, at 10 a.m. in Department of Public Safety Headquarters, Conference Room B, 5805 North Lamar Boulevard, Austin.

The purpose of the hearing is to receive testimony regarding adoption of amendments to the Administrative Rule regarding Transportation Safety-§3. 62 promulgated pursuant to authority of Texas Civil Statutes, Article 6701d, §139.

Interested parties are invited to submit advanced written notice of their intent to attend the hearing and present, at the time of the hearing, any remarks they wish to make. Written comments should be received by the close of the hearing to be considered. Any written comments and letters of intent to attend the hearing must be addressed to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001.

This hearing will be conducted in accordance with the Texas Department of Public Safety's General Rules of Practice and Procedures, Rules §§29.1-29.49.

Issued in Austin, Texas, on February 5, 1993.

TRD-9318745 John C. West, Jr.
Chief of Legal Services
Texas Department of Public Safety

Filed: February 8, 1993

Public Utility Commission of Texas Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of a customer-specific contract for Billing and Collection Services with US Sprint Communications Company.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of a Customer-Specific Contract for Billing and Collection Services with US Sprint Communications Company. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 11772.

The Application. Southwestern Bell Telephone Company is requesting approval of a customer-specific contract for Billing and Collection Services with US Sprint Communications Company. The geographic service market for this specific service is anywhere within the State of Texas where US Sprint Communications Company provides services to Southwestern Bell end user customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318747 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 8, 1993

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of a customer-specific contract for Billing and Collection Services with Telamerica.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of a Customer-Specific Contract for Billing and Collection Services with Telamerica. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 11771.

The Application. Southwestern Bell Telephone Company is requesting approval of a customer-specific contract for Billing and Collection Services with Telamerica. The geographic service market for this specific service is anywhere within the State of Texas where Telamerica provides services to Southwestern Bell end user customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318748 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 8, 1993



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of a customer-specific contract for Billing and Collection Services with OAN Services, Inc.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of a Customer-Specific Contract for Billing and Collection Services with OAN Services, Inc. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 11773.

The Application. Southwestern Bell Telephone Company is requesting approval of a customer-specific contract for Billing and Collection Services with OAN Services, Inc. The geographic service market for this specific service is anywhere within the state of Texas where OAN Services, Inc. provides services to Southwestern Bell end user customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on February 8, 1993.

TRD-9318749 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: February 8, 1993



The Texas A&M University System Consultant Proposal Request

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The Texas A&M University System (the System) plans to award a contract for the purpose of providing immediate

and continuing assistance with the strategic management of the System's health plans. The selected firm will be expected to perform, but not be limited to, the following services: data management, statistical modeling, actuarial analyses, monthly and annual financial reporting, and counsel regarding plan designs, funding and financial arrangements, and carrier negotiations and selection.

Firms wishing to respond to this request should be able to demonstrate the experience and qualifications necessary to produce excellent outcomes in the above areas. Of interest are relevant credentials of project personnel, experience in operating and managing group health plans, and experience in conducting similar projects for large multi-location employers.

The RFP instructions which detail information regarding the project are available upon request from the System.

The deadline for receipt of the proposals in response to this request will be 4 p.m. on March 16, 1993.

The System reserves the right to accept or reject any or all proposals submitted. The System is under no legal requirement to execute a resulting contract on the basis of this advertisement.

The System intends to use responses as a basis for further negotiations of specific project details. The System will base its choice on cost, demonstrated competence, superior qualifications, and evidence of conformance with the RFP criteria.

This RFP does not commit the System to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the System to award a contract or to pay any costs incurred in the preparation of a response. The System specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where the System deems it to be in its best interest.

To obtain copies of the RFP instructions, please submit a written request to Steven W. Hassel, Assistant Executive Director, System Human Resources, The Texas A&M University System, State Headquarters Building, College Station, Texas 77843-1117 (physical address: 301 Tarrow Drive, College Station, Texas 77840), FAX (409) 845-5281. For questions or further information regarding this notice, contact Steven W. Hassel, at (409) 845-2026.

Issued in College Station, Texas, on February 8, 1993.

TRD-9318720 Patricia L. Couger
Executive Director, System Human
Resources
The Texas A&M University System

Filed: February 8, 1993



Texas State Technical College Waco Develop Instructional Materials and Deliver Training for Power Plant Maintenance Mechanics and Operators

Proposal Title. Develop Instructional Materials and Deliver Training for Power Plant Maintenance Mechanics and Operators.

Legal Authority to Contract. This Request for Proposal, which details the consulting services required by Texas State Technical College Waco to develop instructional

materials in support of electrical power plant operations and maintenance, is filed with the State of Texas under the provisions of Texas Civil Statutes, Article 6252-11c.

Notice of Invitation to Bid. TSTC Waco seeks a qualified private consultant with diverse experience in both electrical power plant operation and industrial plant maintenance for the purpose of assisting or providing the following services: conduct occupational skills and job/task analyses of clients' workforces; research and prepare related deliverables for clients, including progression manuals, step pay plans, lesson plans, and other supportive instructional materials; and arrange for and/or conduct training courses for client based on the materials developed.

Summary of the Scope of Work. The Contractor shall advise, guide, and assist TSTC Waco to develop instructional materials for-and deliver upgrade training programs to-employees of various electrical power plants, associated strip mining operations, and heavy industry in Texas. Based a structured analysis of need, said training may involve employees at the craft, technical, supervisory, and/or managerial levels of the client. To achieve this goal, the Contractor must be able to demonstrate that he can assist or provide to TSTC Waco all of the services and activities described below.

Validate Occupational Surveys and Write Job Descriptions. Given the results of an occupational analysis, assist TSTC Waco to develop a competency-based profile of the knowledges and skills, traits and attitudes, tools and equipment, and future trends and concerns for each job classification identified by the client. Assist TSTC Waco to conduct a job task analysis to validate the essential duties and tasks within each job classification. Assist TSTC Waco to develop and write individual job descriptions for each recognized job title.

Develop Training Requirements and Lesson Plans. Assist TSTC Waco to identify and write the technical training requirements that are necessary to support the job descriptions determined above. Depending on applicability, this should include the requirements for classroom, laboratory, and on-the-job training.

Develop Job Progression Manuals. Assist TSTC Waco to develop progression manuals with advancement procedures and promotion criteria for every job title.

Develop Performance Appraisal Systems. Assist TSTC Waco to develop performance appraisal systems for specified clients based on the types of activities described above.

Evaluate/Develop Training Materials. Assist TSTC Waco to evaluate client's present in-house training materials and determine those that can support the job training requirements described above.

Evaluate Internal/External Training Resources. Advise TSTC Waco on the availability and adaptability of external training resources that can satisfy the technical training requirements of the client.

Develop Communications Program. Assist TSTC Waco to develop a communication plans for each assigned project.

Questions and Clarifications. All questions and clarifications relative to the Request for Proposal should be submitted in writing prior to February 22, 1993, to either of the individuals named below: Geoffrey D. Schwer, Contracts and Proposals, EDIT Division, TSTC Waco, 3801 Campus Drive, Waco, Texas 76705 or Edwin L. Clark,

Training Officer, EDIT Division, TSTC Waco, 3801 Campus Drive, Waco, Texas 76705.

Proposal Submission Deadline. For a Bidder's Proposal to be considered, three copies of it must be delivered in person or mailed to TSTC Waco, in care of EDIT Division, 1101 Airline Drive, Waco, Texas 76705 by no later than 5 p.m. on Friday, March 12, 1993. Regardless of the postmarked date, mailed Proposals must be received by the stated submission deadline.

Contract Award Criteria. Contract award will be based on the following criteria: the total number of services and deliverables that the Bidder can provide through his own resources; the Bidder's work history, including accomplishments, supervisory responsibilities, and training experience; the number of years of professional teaching and curriculum development experience possessed by the Bidder; the Bidder's apparent stature and reputation in his field(s) of expertise; and all other things being equal, the price. Bidders are advised that TSTC Waco reserves the right to award a Contract on the basis of initial Proposals only without conducting discussions with any of the Bidders. Therefore, Bidders are again encouraged to include their most favorable terms in their Proposals rather than trying to negotiate them after-the-fact.

Issued in Waco, Texas, on February 3, 1993.

TRD-9318741 Geoffrey D. Schwer
Contracts Officer
Texas State Technical College Waco

Filed: February 8, 1993

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Texas Water Commission

Licensing Actions for Radioactive Materials

The Texas Water Commission has issued the following new licenses for possession and/or use of radioactive materials: #RW0219; issued December 8, 1992; for use and/or possession in Alvin; to Monsanto Company, Alvin; #RW0448; issued December 8, 1992; for use and/or possession in College Station; to Texas A&M University, College Station; #RW1270; issued December 8, 1992; for use and/or possession in Texas City; to TexTin Corporation, Texas City; #RW1431; issued December 8, 1992; for use and/or possession in Houston; to Exxon Corporation, Three Rivers; #RW1634; issued December 8, 1992; for use and/or possession in Falls City; to Conoco, Inc., Falls City; #RW1937; issued December 8, 1992; for use and/or possession in Friendswood; to Iso-Tex, Inc., Friendswood; #RW2402; issued December 8, 1992; for use and/or possession in Hobson; to Chevron Resources Company, Panna Maria.

In issuing new licenses and amending and renewing existing licenses, the Texas Water Commission, Radioactive Waste Section, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the

PRIORITY ENFORCEMENT LIST

<u>Site #</u>	<u>Rank</u>	<u>County</u>	<u>Name</u>	<u>#Tires</u>
70354	20	SUTTON	PEREZ WRECKING	1000
70355	40	BEXAR	REEH	1000000
70356	24	BELL	WILLIAM SMITH	2000
70357	21	ERATH	ROUTE 5, BOX 160	558
70358	10	BELL	GORDAN W. SMITH	2000
70359	13	BELL	A-ONE TIRES	5000
70360	10	BELL	NOLAN HOBBS	1000
70361	20	LAMPASAS	MARVIN ROSS	1200
70362	32	ELLIS	GEORGE SHIRLEY	625
70363	31	JOHNSON	JOHNSON COUNTY CHURCH	545
70364	33	TARRANT	GREEN OAKS BLVD.	3500
70365	33	WISE	KEN SHAW	33000
70366	37	TARRANT	WATERWAY PARK SOUTH	10000

PEL List Page 2

70367	32	TARRANT	RIVERSIDE LAND	2500
70368	27	BOWIE	MAX L. VAUGHN	5000
70369	35	HENDERSON	WALTER JOHNSON	1000
70370	31	VAN ZANDT	POSTON	10000
70371	31	JEFFERSON	HARBOR MARINE SERVICE	4000
70372	31	JASPER	WOOD TIRE SERVICE	20000
70373	31	ORANGE	WALLACE GRANGER 3RD ST	2000
70374	34	HARRIS	MARKET STREET	1200
70375	29	FORT BEND	ROY WENDELL HARPER	5000
70376	35	HARRIS	CONKLIN	2000
70377	33	DE WITT	BIEMER	1000
70378	28	GUADALUPE	RANDOM FARM	6000
70379	15	CROCKETT	J. B. MILLER RANCH	12000
70380	20	SUTTON	PEREZ WRECKING	1000
70381	20	MITCHELL	A.B. MOSHER	1200
70382	23	BEE	CASTILLA'S GARAGE	1500
70383	29	CULBERSON	LOIS TAYLOR	650
70384	32	CULBERSON	CITY OF VAN HORN	600
70385	28	HIDALGO	JOSE CANTU	1500
70386	24	HIDALGO	LLANTERA DEL VALLE	750
70387	28	HIDALGO	JORGE ARTURO MARTINEZ	2200
70388	28	HIDALGO	GARCIA TIRE SALES	3000
70389	31	CAMERON	ALEJANDRA CASAREZ	500
70390	19	HIDALGO	TEXAS GRAVEL	600
70391	28	HIDALGO	PRECINCT 2	2700
70392	29	HIDALGO	REYES SUPER TIRE	500
70393	22	DUVAL	DUVAL COUNTY LANDFILL	3500

Issued in Austin, Texas, on February 8, 1993.

TRD-9318765

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

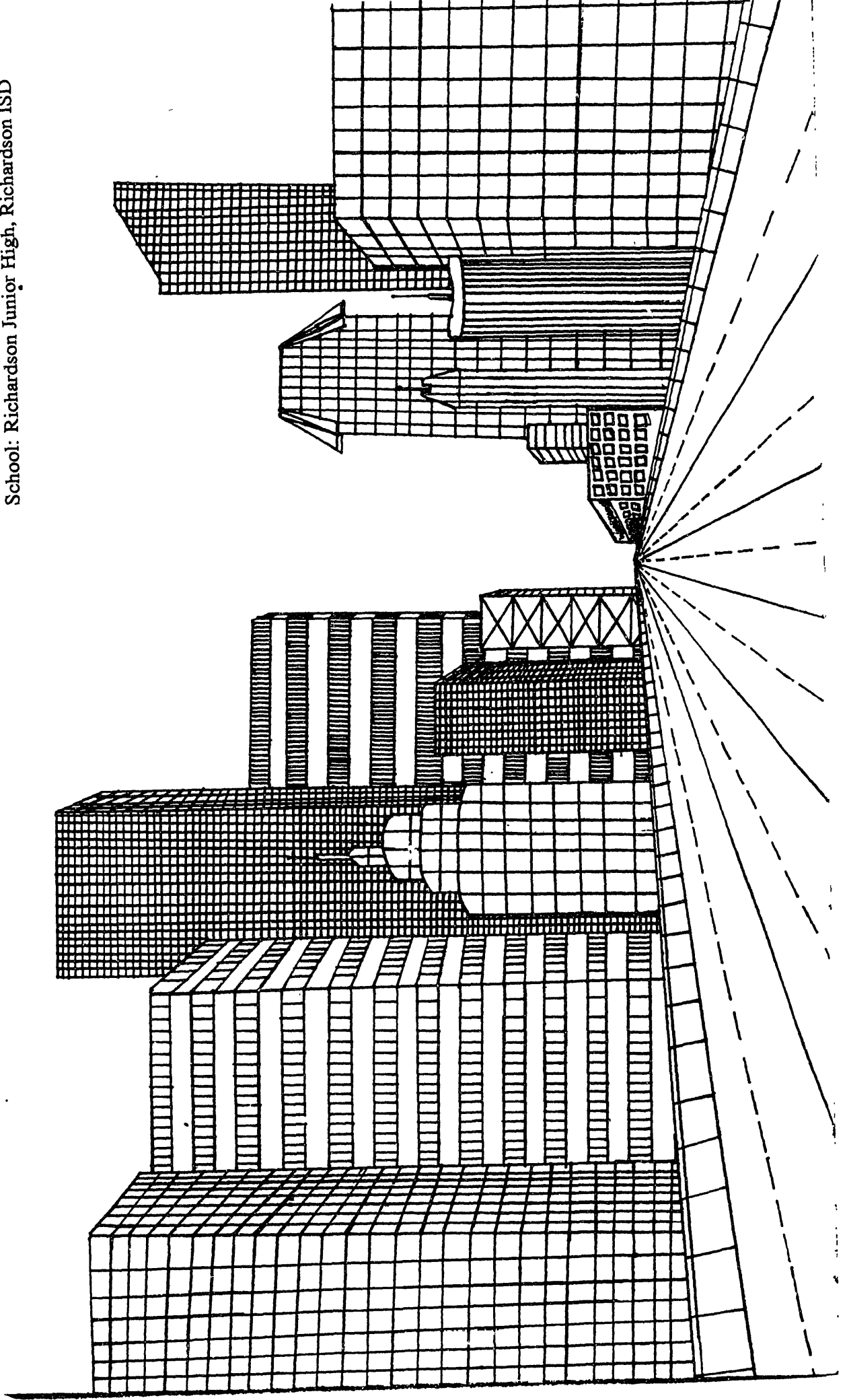
Filed: February 8, 1993

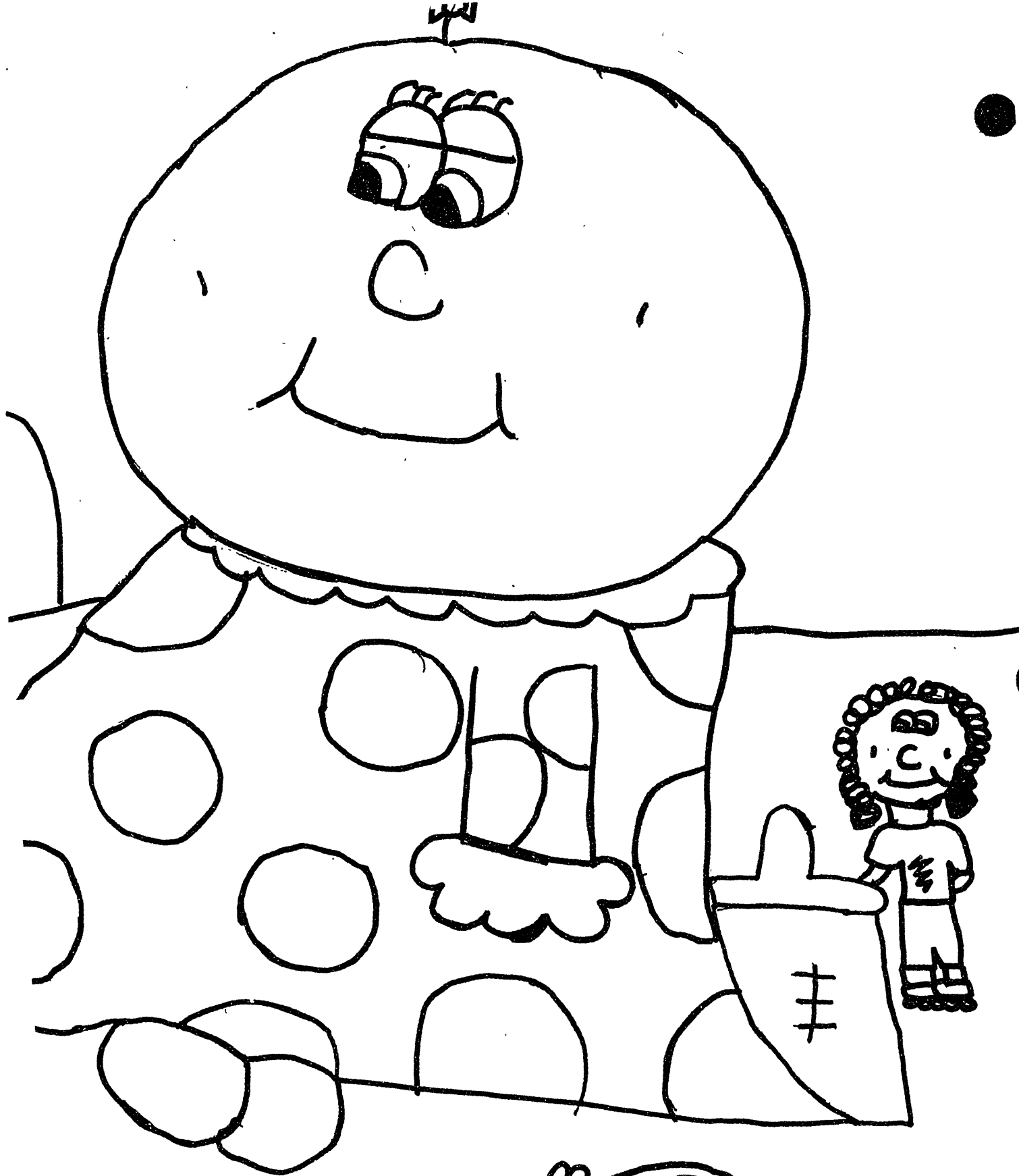
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Name: Adam Parsons

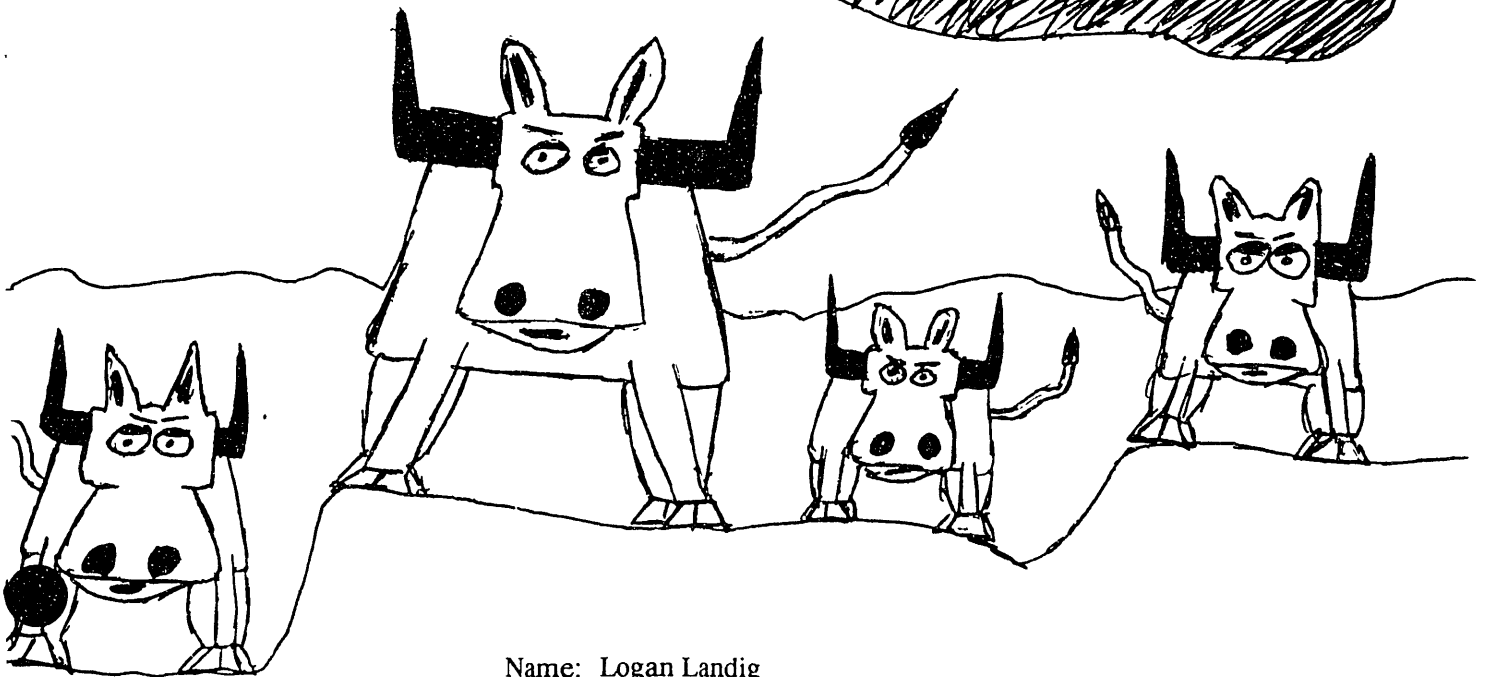
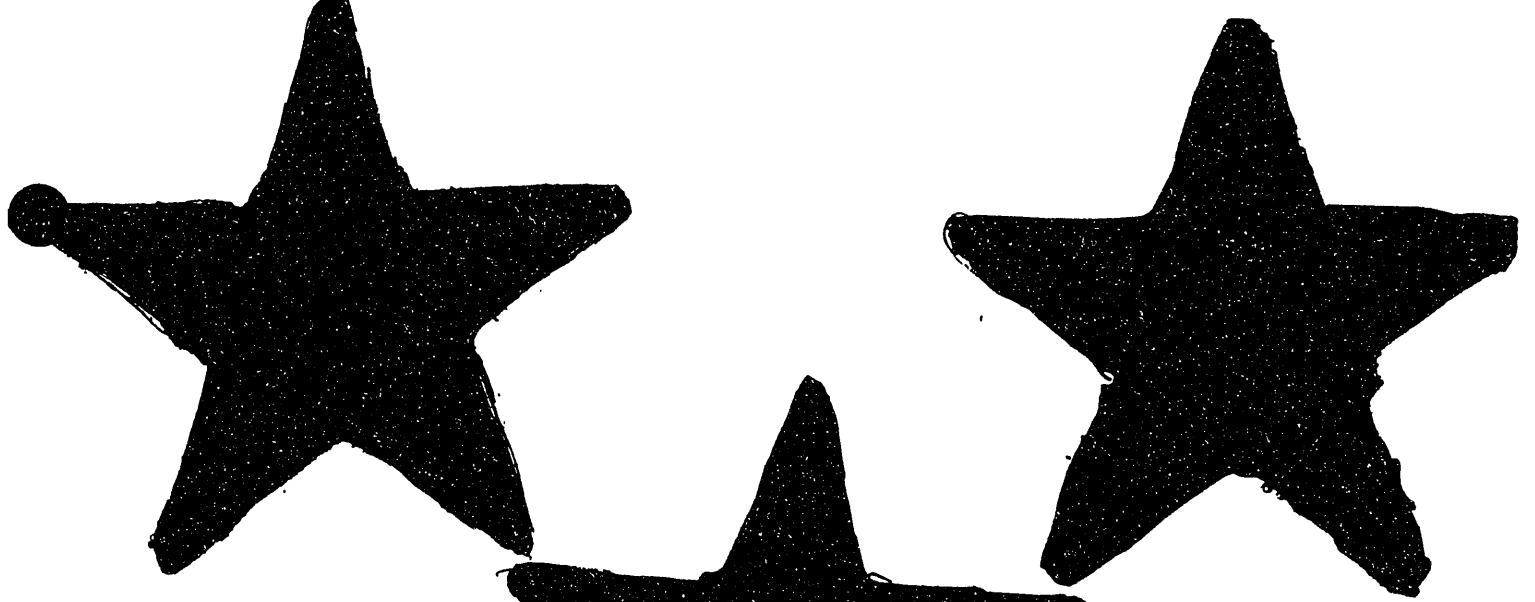
Grade: 9th

School: Richardson Junior High, Richardson ISD





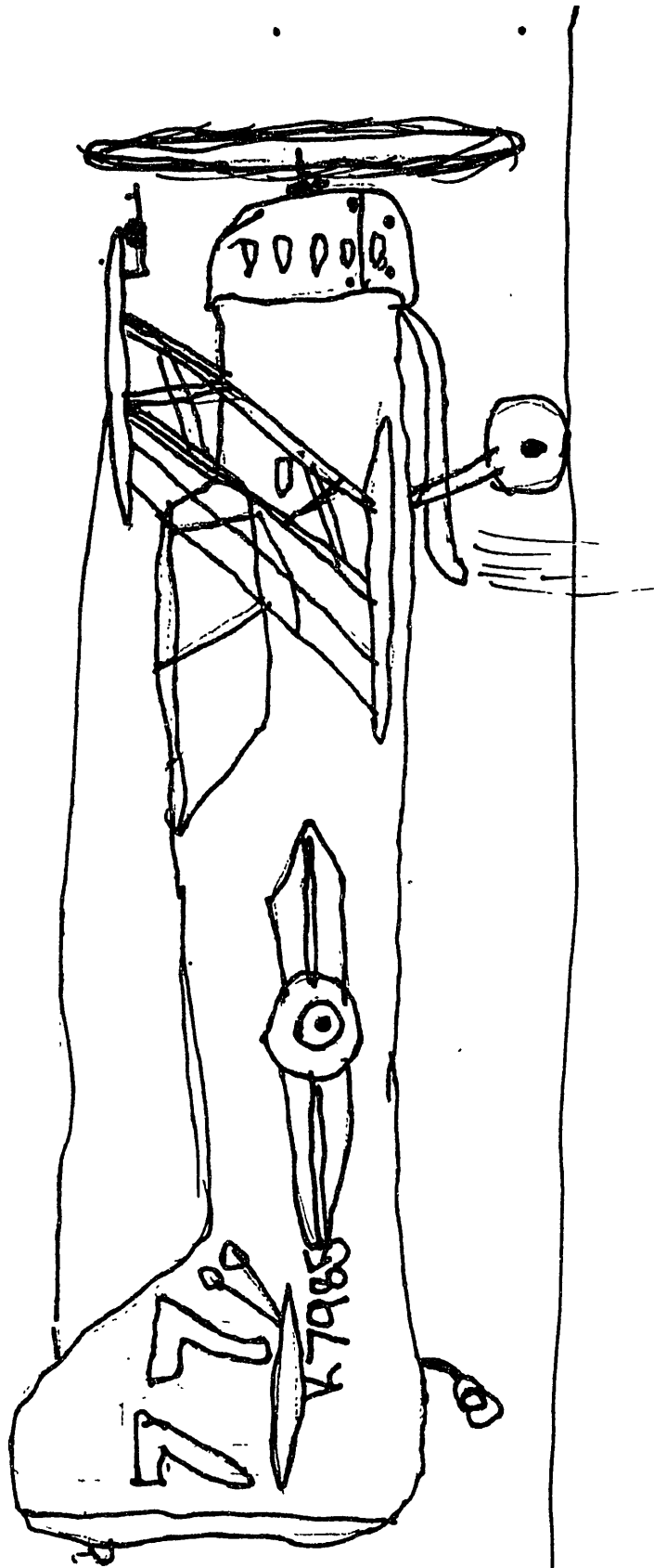
Name: Marisa Moya
Grade: 4
School: Sundown Elementary, Katy ISD



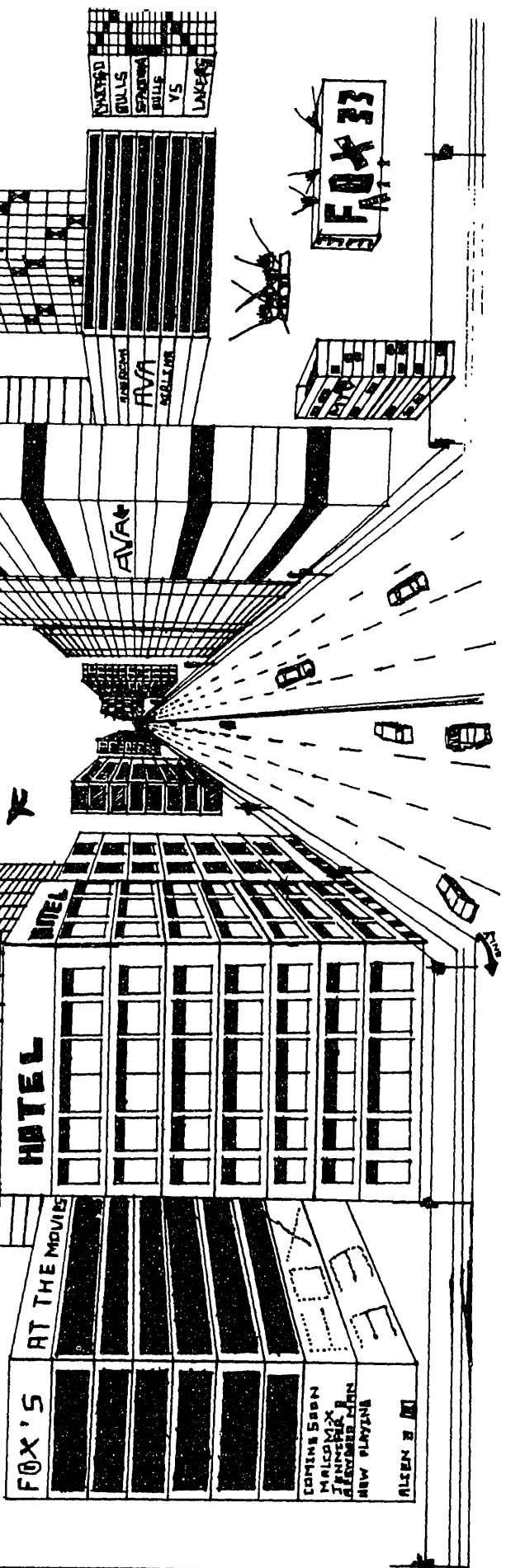
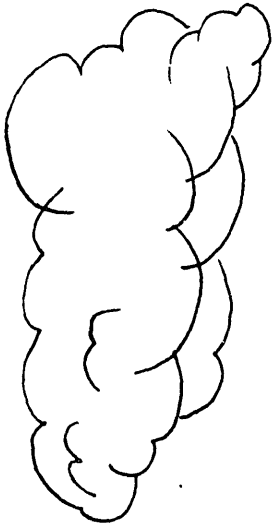
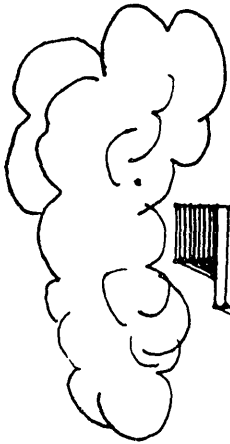
Name: Logan Landig
Grade: 7
School: Murchison Middle School, Austin ISD

Logan Landig

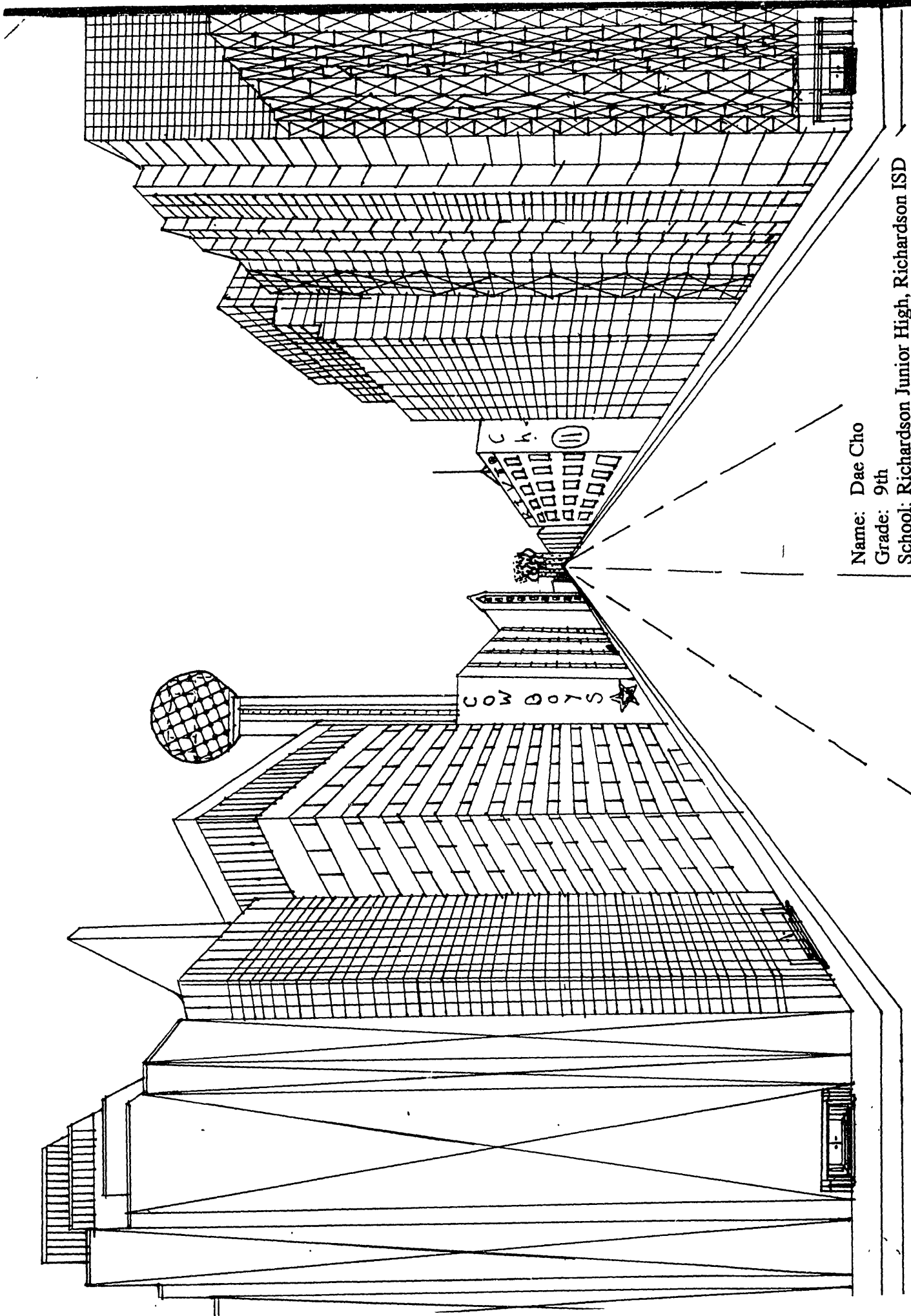
Gloucester Gladstone



Name: Robert Abrams
Grade: 4
School: Sundown Elementary, Katy ISD



Name: Tai Tran
 Grade: 9th
 School: Richardson Junior High, Richardson ISD



Name: Dae Cho
Grade: 9th
School: Richardson Junior High, Richardson ISD

1993 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1993 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on July 30, November 5, November 30, and December 28. A asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Friday, January 1	Monday, December 28	Tuesday, December 29
2 Tuesday, January 5	Wednesday, December 30	Thursday, December 31
3 Friday, January 8	Monday, January 4	Tuesday, January 5
4 Tuesday, January 12	Wednesday, January 6	Thursday, January 7
5 Friday, January 15	Monday, January 11	Tuesday, January 12
6 Tuesday, January 19	Wednesday, January 13	Thursday, January 14
Friday, January 22	1992 ANNUAL INDEX	
7 Tuesday, January 26	Wednesday, January 20	Thursday, January 21
8 Friday, January 29	Monday, January 25	Tuesday, January 26
9 Tuesday, February 2	Wednesday, January 27	Thursday, January 28
10 Friday, February 5	Monday, February 1	Tuesday, February 2
11 Tuesday, February 9	Wednesday, February 3	Thursday, February 4
12 Friday, February 12	Monday, February 8	Tuesday, February 9
13 Tuesday, February 16	Wednesday, February 10	Thursday, February 11
14 *Friday, February 19	Friday, February 12	Tuesday, February 16
15 Tuesday, February 23	Wednesday, February 17	Thursday, February 18
16 Friday, February 26	Monday, February 22	Tuesday, February 23
17 Tuesday, March 2	Wednesday, February 24	Thursday, February 25
18 Friday, March 5	Monday, March 1	Tuesday, March 2
19 Tuesday, March 9	Wednesday, March 3	Thursday, March 4
20 Friday, March 12	Monday, March 8	Tuesday, March 9
21 Tuesday, March 16	Wednesday, March 10	Thursday, March 11
22 Friday, March 19	Monday, March 15	Tuesday, March 16
23 Tuesday, March 23	Wednesday, March 17	Thursday, March 18
24 Friday, March 26	Monday, March 22	Tuesday, March 23
25 Tuesday, March 30	Wednesday, March 24	Thursday, March 25
26 Friday, April 2	Monday, March 29	Tuesday, March 30
27 Tuesday, April 6	Wednesday, March 31	Thursday, April 1
28 Friday, April 9	Monday, April 5	Tuesday, April 6
29 Tuesday, April 13	Wednesday, April 7	Thursday, April 8
Friday, April 16	FIRST QUARTERLY INDEX	
30 Tuesday, April 20	Wednesday, April 14	Thursday, April 15

31 Friday, April 23	Monday, April 19	Tuesday, April 20
32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7

70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

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